

REPORT OF THE
CALIFORNIA LAW REVISION COMMISSION
ON CHAPTER 22 OF THE STATUTES OF 2003
(SENATE BILL 113)

Stay of Mechanic's Lien Enforcement Pending Arbitration

Chapter 22 of the Statutes of 2003 was introduced as Senate Bill 113 by Senator Dick Ackerman. It implements a California Law Revision Commission recommendation on *Stay of Mechanic's Lien Enforcement Pending Arbitration*, 30 Cal. L. Revision Comm'n Reports 307 (2000). The revised Comment set out below supersedes the comparable Comment in the recommendation and reflects amendments to the bill made during the legislative process.

Code Civ. Proc. § 1281.5 (amended). Application to stay pending arbitration

Comment. Subdivision (a) of Section 1281.5 is amended to add an alternative to the requirement that an application for a stay be made when the action is filed. In lieu of preparing a separate application for a stay, the lien claimant may include appropriate allegations in the complaint.

Subdivision (b) is added to require the lien claimant to file a motion for a stay order within 30 days after service of the summons and complaint. This is generally consistent with case law, but provides concrete guidance implementing the "reasonable time" requirement recognized by the courts. See *Kaneko Ford Design v. Citipark, Inc.*, 202 Cal. App. 3d 1220, 1227, 249 Cal. Rptr. 544 (1988).

Subdivision (c) (former subdivision (b)) is amended to make technical changes.
