

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 320
93RD GENERAL ASSEMBLY

Reported from the Committee on Judiciary May 2, 2005 with recommendation that House Committee Substitute for Senate Bill No. 320 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

1194L.04C

AN ACT

To repeal sections 429.010 and 429.080, RSMo, and to enact in lieu thereof two new sections relating to mechanic liens.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 429.010 and 429.080, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 429.010 and 429.080, to read as follows:

429.010. Any person who shall do or perform any work or labor upon, **rent any**
2 **machinery or equipment**, or furnish any material, fixtures, engine, boiler or machinery for any
3 building, erection or improvements upon land, or for repairing, **grading, excavating, or filling**
4 **of** the same, or furnish and plant trees, shrubs, bushes or other plants or provides any type of
5 landscaping goods or services or who installs outdoor irrigation systems under or by virtue of
6 any contract with the owner or proprietor thereof, or his **or her** agent, trustee, contractor or
7 subcontractor, or without a contract if ordered by a city, town, village or county having a charter
8 form of government to abate the conditions that caused a structure on that property to be deemed
9 a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying
10 with the provisions of sections 429.010 to 429.340, shall have for his **or her** work or labor done,
11 **machinery or equipment rented** or materials, fixtures, engine, boiler, machinery, trees, shrubs,
12 bushes or other plants furnished, or any type of landscaping goods or services provided, a lien
13 upon such building, erection or improvements, and upon the land belonging to such owner or
14 proprietor on which the same are situated, to the extent of three acres; or if such building,
15 erection or improvements be upon any lot of land in any town, city or village, or if such

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 building, erection or improvements be for manufacturing, industrial or commercial purposes and
17 not within any city, town or village, then such lien shall be upon such building, erection or
18 improvements, and the lot, tract or parcel of land upon which the same are situated, and not
19 limited to the extent of three acres, to secure the payment of such work or labor done, **machinery**
20 **or equipment rented**, or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or
21 other plants or any type of landscaping goods or services furnished, or outdoor irrigation systems
22 installed; except that if such building, erection or improvements be not within the limits of any
23 city, town or village, then such lien shall be also upon the land to the extent necessary to provide
24 a roadway for ingress to and egress from the lot, tract or parcel of land upon which such building,
25 erection or improvements are situated, not to exceed forty feet in width, to the nearest public road
26 or highway. Such lien shall be enforceable only against the property of the original purchaser
27 of such plants unless the lien is filed against the property prior to the conveyance of such
28 property to a third person. **For claims involving the rental of machinery or equipment, the**
29 **lien shall be for the reasonable rental value of the machinery or equipment during the**
30 **period of actual use and any periods of nonuse taken into account in the rental contract,**
31 **while the equipment is on the property in question. There shall be no lien involving the**
32 **rental of machinery or equipment unless:**

- 33 (1) **The improvements are made on commercial property;**
34 (2) **The amount of the claim exceeds five thousand dollars; and**
35 (3) **The party claiming the lien provides written notice within five business days of**
36 **the commencement of the use of the rental property to the property owner that rental**
37 **machinery or equipment is being used upon their property. Such notice shall identify the**
38 **name of the entity that rented the machinery or equipment, the machinery or equipment**
39 **being rented, and the rental rate.**

429.080. It shall be the duty of every original contractor, every journeyman and day
2 laborer, and every other person seeking to obtain the benefit of the provisions of sections
3 429.010 to 429.340, within six months after the indebtedness shall have accrued, **or, with**
4 **respect to rental equipment or machinery, within sixty days after the date the last of the**
5 **rental equipment or machinery was last removed from the property**, to file with the clerk
6 of the circuit court of the proper county a just and true account of the demand due him or them
7 after all just credits have been given, which is to be a lien upon such building or other
8 improvements, and a true description of the property, or so near as to identify the same, upon
9 which the lien is intended to apply, with the name of the owner or contractor, or both, if known
10 to the person filing the lien, which shall, in all cases, be verified by the oath of himself or some
11 credible person for him.