

SECOND REGULAR SESSION

# HOUSE BILL NO. 1953

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RECTOR (Sponsor) AND COOPER (120) (Co-sponsor).

Read 1st time March 6, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5539L.011

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### AN ACT

To repeal section 429.010, RSMo, and to enact in lieu thereof one new section relating to liens.

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

Section A. Section 429.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 429.010, to read as follows:

429.010. Any person who shall do or perform any work or labor upon, rent any machinery or equipment, or furnish any material, fixtures, engine, boiler or machinery for any building, erection or improvements upon land, or for repairing, grading, excavating, or filling of the same, or furnish and plant trees, shrubs, bushes or other plants or provides any type of landscaping goods or services or who installs outdoor irrigation systems under or by virtue of any contract with the owner or proprietor thereof, or his or her agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of sections 429.010 to 429.340, shall have for his or her work or labor done, machinery or equipment rented or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or other plants furnished, or any type of landscaping goods or services provided, a lien upon such building, erection or improvements, and upon the land belonging to such owner or proprietor on which the same are situated, to the extent of three acres; or if such building, erection or improvements be upon any lot of land in any town, city or village, or if such building, erection or improvements be for manufacturing, industrial or commercial purposes and not

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.

17 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 lien  
29 shall be for the reasonable rental value of the machinery or equipment during the period of actual  
30 use and any periods of nonuse taken into account in the rental contract, while the equipment is  
31 on the property in question. There shall be no lien involving the rental of machinery or  
32 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] **sixty** days  
36 of 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 name  
38 of the entity that rented the machinery or equipment, the machinery or equipment being rented,  
39 and the rental rate.

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