

FIRST REGULAR SESSION

# HOUSE BILL NO. 1212

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DIXON.

Read 1st time March 29, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2737L.011

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### AN ACT

To repeal section 429.005, RSMo, and to enact in lieu thereof one new section relating to mechanic's liens.

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

Section A. Section 429.005, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 429.005, to read as follows:

429.005. 1. An agreement by an original contractor, subcontractor, supplier or laborer, **or by an original contractor on behalf of a subcontractor, supplier, or laborer** to waive any right to enforce or claim any lien authorized under this chapter, where the agreement is in anticipation of and in consideration for the awarding of a contract or subcontract to perform work or supply materials for an improvement upon real property[, whether expressly stated or implied, is against public policy and shall be unenforceable] **shall be enforceable**. The provisions of this section shall not prohibit subordination or release of a lien authorized under this chapter.

2. Nothing contained in this section shall be construed to prohibit contractual provisions requiring lien waivers as a condition for payment.

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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.