

HCS SB 1074 -- STATUTORY LIENS AGAINST REAL ESTATE

SPONSOR: Dempsey (Smith, 14)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 10 to 0.

Currently, design professionals, contractors, subcontractors, and other persons who perform work or labor on buildings or real property may place a lien on one acre of the real property for work or rental services that have not been paid. This substitute increases the extent of the lien from one acre to three acres.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that the bill makes the acreage for which a person may file a lien against real property equal to the value of the services performed. The value of one acre, in many circumstances, is not enough to offset the amount of the lien.

Testifying for the bill were Senator Dempsey; Missouri Society of Professional Surveyors; Subcontractors Association; and American Institute of Architects of Missouri.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say the land title industry remains neutral on the bill but prefers this bill to one that authorizes the inclusion of attorney fees and costs in a lien.

Testifying on the bill was Missouri Land Title Association.