

HB 595 -- Real Estate Liens

Sponsor: Schoeller

This bill changes the laws regarding real estate liens. In its main provisions, the bill:

(1) Creates forms to be used, beginning January 1, 2010, for a conditional and unconditional waiver and release upon progress payment and a conditional and unconditional waiver and release upon final payment to execute valid lien waivers;

(2) Increases to three acres the extent to which registered architects, engineers, landscape architects, land surveyors, and corporations who perform work on buildings or land can have a lien placed on the building or land. Currently, the extent is one acre;

(3) Specifies that attorney fees for actions to enforce liens must be levied against the property on the lien; and

(4) Requires a material supplier or any subcontractor to provide certain notice to a property owner who is the subject of a lien in order to have the supplier's or subcontractor's award of attorneys fees secured by the mechanic's lien levied against the owner's property if the owner conspicuously posts notice containing certain information about the owner, the owner's agent, original contractor, and architect. The original contractor whose contract is with the owner of the property is not required to provide notice to the owner to secure attorney fees.