

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 402

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DIEHL (Sponsor) AND KORMAN (Co-sponsor).

1059L.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 429.015 and 516.098, RSMo, and to enact in lieu thereof two new sections relating to liens for architects, professional engineers, land surveyors, and landscape architects.

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

Section A. Sections 429.015 and 516.098, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 429.015 and 516.098, to read as follows:

429.015. 1. Every registered architect or corporation registered to practice architecture,
2 every registered professional engineer or corporation registered to practice professional
3 engineering, every registered landscape architect or corporation registered to practice landscape
4 architecture, and every registered land surveyor or corporation registered to practice land
5 surveying, who does any landscape architectural, architectural, engineering or land surveying
6 work upon or performs any landscape architectural, architectural, engineering or land surveying
7 service directly connected with the erection or repair of any building or other improvement upon
8 land under or by virtue of any contract with the owner or lessee thereof, or such owner's or
9 lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city,
10 town, village or county having a charter form of government to abate the conditions that caused
11 a structure on that property to be deemed a dangerous building under local ordinances pursuant
12 to section 67.410, upon complying with the provisions of this chapter, shall have for such
13 person's landscape architectural, architectural, engineering or land surveying work or service so
14 done or performed, a lien upon the building or other improvements and upon the land belonging

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.

15 to the owner or lessee on which the building or improvements are situated, to the extent of [one
16 acre] **three acres**. If the building or other improvement is upon any lot of land in any town, city
17 or village, then the lien shall be upon such building or other improvements, and the lot or land
18 upon which the building or other improvements are situated, to secure the payment for the
19 landscape architectural, architectural, engineering or land surveying work or service so done or
20 performed. For purposes of this section, a corporation engaged in the practice of architecture,
21 engineering, landscape architecture, or land surveying, shall be deemed to be registered if the
22 corporation itself is registered under the laws of this state to practice architecture, engineering
23 or land surveying.

24 2. Every mechanic or other person who shall do or perform any work or labor upon or
25 furnish any material or machinery for the digging of a well to obtain water under or by virtue of
26 any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee,
27 contractor or subcontractor, upon complying with the provisions of sections 429.010 to 429.340
28 shall have for such person's work or labor done, or materials or machinery furnished, a lien upon
29 the land belonging to such owner or lessee on which the same are situated, to the extent of [one
30 acre] **three acres**, to secure the payment of such work or labor done, or materials or machinery
31 furnished as aforesaid.

32 3. Every mechanic or other person who shall do or perform any work or labor upon, or
33 furnish any material, fixtures, engine, boiler or machinery, for the purpose of demolishing or
34 razing a building or structure under or by virtue of any contract with the owner or lessee thereof,
35 or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if
36 ordered by a city, town, village or county having a charter form of government to abate the
37 conditions that caused a structure on that property to be deemed a dangerous building under local
38 ordinances pursuant to section 67.410, upon complying with the provisions of sections 429.010
39 to 429.340, shall have for such person's work or labor done, or materials, fixtures, engine, boiler
40 or machinery furnished, a lien upon the land belonging to such owner or lessee on which the
41 same are situated, to the extent of [one acre] **three acres**. If the building or buildings to be
42 demolished or razed are upon any lot of land in any town, city or village, then the lien shall be
43 upon the lot or lots or land upon which the building or other improvements are situated, to secure
44 the payment for the labor and materials performed.

45 4. The provisions of sections 429.030 to 429.060 and sections 429.080 to 429.430
46 applicable to liens of mechanics and other persons shall apply to and govern the procedure with
47 respect to the liens provided for in subsections 1, 2 and 3 of this section.

48 5. Any design professional or corporation authorized to have lien rights under subsection
49 1 of this section shall have a lien upon the building or other improvement and upon the land,
50 whether or not actual construction of the planned work or improvement has commenced if:

51 (1) The owner or lessee thereof, or such owner's or lessee's agent or trustee, contracted
52 for such professional services directly with the design professional or corporation asserting the
53 lien; and

54 (2) The owner or lessee is the owner or lessee of such real property either at the time the
55 contract is made or at the time the lien is filed.

56 6. Priority between a design professional or corporation lien claimant and any other
57 mechanic's lien claimant shall be determined pursuant to the provisions of section 429.260 on
58 a pro rata basis.

59 7. In any civil action, the owner or lessee may assert defenses which include that the
60 actual construction of the planned work or improvement has not been performed in compliance
61 with the professional services contract, is impracticable or is economically infeasible.

62 8. The agreement is in writing.

516.098. [1.] Except where fraud is involved, no action to recover damages for an error
2 or omission in the survey of land, nor any action for contribution or indemnity for damages
3 sustained on account of an error or omission may be brought against any person performing the
4 survey more than [five years after the discovery of the error or omission] **ten years from the**
5 **completion of the survey.**

6 [2. This section shall become effective January 1, 1990.]