

FIRST REGULAR SESSION

# SENATE BILL NO. 477

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time February 23, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2252S.02I

## AN ACT

To repeal section 429.005, RSMo, and to enact in lieu thereof one new section relating to waiver of liens against real estate.

*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Section A. Section 429.005, RSMo, is repealed and one new section  
2 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,  
2 supplier or laborer to waive any right to enforce or claim any lien authorized  
3 under this chapter, where the agreement is in anticipation of and in consideration  
4 for the awarding of a contract or subcontract to perform work or supply materials  
5 for an improvement upon real property, whether expressly stated or implied, is  
6 against public policy and shall be unenforceable. The provisions of this section  
7 shall not prohibit subordination or release of a lien authorized under this chapter.

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

10 3. **No oral or written statement purporting to waive, release,**  
11 **subordinate, impair, or otherwise adversely affect any right to enforce**  
12 **or claim any lien authorized under this chapter shall be enforceable**  
13 **unless it is under a waiver and release as prescribed in this section.**

14 4. **Any waiver or release given by any claimant under this**  
15 **section shall be null, void, and unenforceable against such lien claimant**  
16 **unless it waives and releases lien rights and lien claims only to the**  
17 **extent of the amount of the payment actually received by the claimant**  
18 **in exchange for work done up to the point that such waiver or release**  
19 **is granted. A lien waiver that contains the heading "UNCONDITIONAL**  
20 **FINAL LIEN WAIVER" is a complete and absolute waiver of any lien**

21 **rights under this chapter on the property described in the lien waiver**  
22 **as of the date the lien waiver is given.**

23 **5. Notwithstanding any provision of this section to the contrary,**  
24 **claimants shall be permitted to waive a right to assert a mechanic's lien**  
25 **under subsections 25 and 26 of section 429.016 to the extent permitted**  
26 **under such section.**

✓

Unofficial

Bill

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