

FIRST REGULAR SESSION

# SENATE BILL NO. 109

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GROSS.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0213S.011

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## AN ACT

To repeal sections 429.010 and 429.080, RSMo, and to enact in lieu thereof two new sections relating to mechanic liens.

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

Section A. Sections 429.010 and 429.080, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 429.010 and 429.080, to read as follows:

429.010. 1. Any person who shall do or perform any work or labor upon, or furnish any material, fixtures, engine, boiler or machinery for any building, erection or improvements upon land, or for repairing the same, or furnish and plant trees, shrubs, bushes or other plants or provides any type of landscaping goods or services or who installs outdoor irrigation systems under or by virtue of any contract with the owner or proprietor thereof, or his agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of sections 429.010 to 429.340, shall have for his work or labor done, or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or other plants furnished, or any type of landscaping goods or services provided, a lien upon such building, erection or improvements, and upon the land belonging to such owner or proprietor on which the same are situated, to the extent of three acres; or if such building, erection or improvements be upon any lot of land in any town, city

or village, or if such building, erection or improvements be for manufacturing, industrial or commercial purposes and not within any city, town or village, then such lien shall be upon such building, erection or improvements, and the lot, tract or parcel of land upon which the same are situated, and not limited to the extent of three acres, to secure the payment of such work or labor

done, or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or other plants or any type of landscaping goods or services furnished, or outdoor irrigation systems installed; except that if such building, erection or improvements be not within the limits of any city, town or village, then such lien shall be also upon the land to the extent necessary to provide a roadway for ingress to and egress from the lot, tract or parcel of land upon which such building, erection or improvements are situated, not to exceed forty feet in width, to the nearest public road or highway. Such lien shall be enforceable only against the property of the original purchaser of such plants unless the lien is filed against the property prior to the conveyance of such property to a third person.

**2. Any person who furnishes rental equipment used in connection with the construction, alteration, or repair of any building, structure, improvement, or land, shall have a lien upon such building, structure, improvement, or land, to the extent limited by subsection 1 of this section, to secure payment for such rental. The lien shall be for the reasonable rental value during the period of actual use of the equipment and any reasonable periods of nonuse of the equipment taken into account in the rental agreement. The delivery of the equipment to such building, structure, improvement, or land, whether or not delivery is made by the person, creates a presumption that the rental equipment was used in the course of alteration, construction, or repair of the building, structure, improvement, or land.**

429.080. It shall be the duty of every original contractor, every journeyman and day laborer, and every other person seeking to obtain the benefit of the provisions of sections 429.010 to 429.340, within six months after the indebtedness shall have accrued, **or, with respect to rental equipment, within six months after the date the rental equipment was last available for use**, to file with the clerk of the circuit court of the proper county a just and true account of the demand due him or them after all just credits have been given, which is to be a lien upon such building or other improvements, and a true description of the property, or so near as to identify the same, upon which the lien is intended to apply, with the name of the owner or contractor, or both, if known to the person filing the lien, which shall, in all cases, be verified by the oath of himself or some credible person for him.