

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 357
AN ACT

To repeal section 429.010, RSMo, and to enact in lieu thereof one new section relating to statutory liens against real estate.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 429.010, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 429.010,
3 to read as follows:

4 429.010. 1. Any person who shall do or perform any work or
5 labor upon land, rent any machinery or equipment, or use any
6 rental machinery or equipment, or furnish any material, fixtures,
7 engine, boiler or machinery for any building, erection or
8 improvements upon land, or for repairing, grading, excavating, or
9 filling of the same, or furnish and plant trees, shrubs, bushes
10 or other plants or provides any type of landscaping goods or
11 services or who installs outdoor irrigation systems under or by
12 virtue of any contract with the owner or proprietor thereof, or
13 his or her agent, trustee, contractor or subcontractor, or
14 without a contract if ordered by a city, town, village or county
15 having a charter form of government to abate the conditions that
16 caused a structure on that property to be deemed a dangerous
17 building under local ordinances pursuant to section 67.410, upon
18 complying with the provisions of sections 429.010 to 429.340,
19 shall have for his or her work or labor done, machinery or

1 equipment rented or materials, fixtures, engine, boiler,
2 machinery, trees, shrubs, bushes or other plants furnished, or
3 any type of landscaping goods or services provided, a lien upon
4 such building, erection or improvements, and upon the land
5 belonging to such owner or proprietor on which the same are
6 situated, to the extent of three acres; or if such building,
7 erection or improvements be upon any lot of land in any town,
8 city or village, or if such building, erection or improvements be
9 for manufacturing, industrial or commercial purposes and not
10 within any city, town or village, then such lien shall be upon
11 such building, erection or improvements, and the lot, tract or
12 parcel of land upon which the same are situated, and not limited
13 to the extent of three acres, to secure the payment of such work
14 or labor done, machinery or equipment rented, or materials,
15 fixtures, engine, boiler, machinery, trees, shrubs, bushes or
16 other plants or any type of landscaping goods or services
17 furnished, or outdoor irrigation systems installed; except that
18 if such building, erection or improvements be not within the
19 limits of any city, town or village, then such lien shall be also
20 upon the land to the extent necessary to provide a roadway for
21 ingress to and egress from the lot, tract or parcel of land upon
22 which such building, erection or improvements are situated, not
23 to exceed forty feet in width, to the nearest public road or
24 highway. Such lien shall be enforceable only against the
25 property of the original purchaser of such plants unless the lien
26 is filed against the property prior to the conveyance of such
27 property to a third person. For claims involving the rental of
28 machinery or equipment [to others who use the rental machinery or

1 equipment], the lien shall be for the reasonable rental value of
2 the machinery or equipment during the period of actual use and
3 any periods of nonuse taken into account in the rental contract,
4 while the machinery or equipment is on the property in question.

5 2. There shall be no lien involving the rental of machinery
6 or equipment unless:

7 (1) The improvements are made on commercial property;

8 (2) The amount of the claim exceeds five thousand dollars;

9 and

10 (3) The party claiming the lien provides written notice
11 within [~~five~~] fifteen business days of the commencement of the
12 use of the rental machinery or equipment to the property owner
13 that rental machinery or equipment is being used upon their
14 property. Such notice shall identify the name of the entity that
15 rented the machinery or equipment[,] and the machinery or
16 equipment being rented[, and the rental rate].

17
18 Nothing contained in this subsection shall apply to persons who
19 use rented machinery or equipment in performing the work or labor
20 described in subsection 1 of this section.