

FIRST REGULAR SESSION

SENATE BILL NO. 357

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Read 1st time February 20, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1410S.02I

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:

Section A. Section 429.010, RSMo, is repealed and one new section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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 manufacturing, industrial or commercial purposes and not within any city, town
21 or village, then such lien shall be upon such building, erection or improvements,
22 and the lot, tract or parcel of land upon which the same are situated, and not
23 limited to the extent of three acres, to secure the payment of such work or labor
24 done, machinery or equipment rented, or materials, fixtures, engine, boiler,
25 machinery, trees, shrubs, bushes or other plants or any type of landscaping goods
26 or services furnished, or outdoor irrigation systems installed; except that if such
27 building, erection or improvements be not within the limits of any city, town or
28 village, then such lien shall be also upon the land to the extent necessary to
29 provide a roadway for ingress to and egress from the lot, tract or parcel of land
30 upon which such building, erection or improvements are situated, not to exceed
31 forty feet in width, to the nearest public road or highway. Such lien shall be
32 enforceable only against the property of the original purchaser of such plants
33 unless the lien is filed against the property prior to the conveyance of such
34 property to a third person. For claims involving the rental of machinery or
35 equipment [to others who use the rental machinery or equipment], the lien shall
36 be for the reasonable rental value of the machinery or equipment during the
37 period of actual use and any periods of nonuse taken into account in the rental
38 contract, while the machinery or equipment is on the property in question.

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

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

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

43 (3) The party claiming the lien provides written notice within [five]
44 **thirty** business days of the commencement of the use of the rental machinery or
45 equipment to the property owner that rental machinery or equipment is being
46 used upon their property. Such notice shall identify the name of the entity that
47 rented the machinery or equipment[,] **and** the machinery or equipment being
48 rented[, and the rental rate].

49 Nothing contained in this subsection shall apply to persons who use rented
50 machinery or equipment in performing the work or labor described in subsection
51 1 of this section.

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