

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 427

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHATZ.

1219H.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 429.010, RSMo, and to enact in lieu thereof one new section relating to rental of machinery and equipment.

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Section A. Section 429.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 429.010, to read as follows: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 land, rent any machinery or equipment, or use any rental machinery or equipment, or furnish any material, fixtures, engine, boiler or machinery for any building, erection or improvements upon land, or for repairing, grading, excavating, or filling of 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 or her 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, upon complying with the provisions of sections 429.010 to 429.340, shall have for his or her work or labor done, machinery or equipment rented 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

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.

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

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

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

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

36 (3) The party claiming the lien provides written notice within [~~five~~] **fifteen** business days
37 of the commencement of the use of the rental machinery or equipment to the property owner that
38 rental machinery or equipment is being used upon their property. Such notice shall identify the
39 name of the entity that rented the machinery or equipment, **and** the machinery or equipment
40 being rented[, and the rental rate].

41

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

✓