

IN THE SENATE

SENATE BILL NO. 1396

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LIENS OF MECHANICS AND MATERIALMEN; AMENDING SECTION 45-501,  
2 IDAHO CODE, TO REVISE A PROVISION REGARDING THE RIGHT TO A LIEN AND TO  
3 MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.  
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 45-501, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 45-501. RIGHT TO LIEN. Every person who is engaged in the business of  
9 or acting in the capacity of a contractor as that term is defined in section  
10 54-5203, Idaho Code, and who is performing labor ~~upon~~ on, or furnishing ma-  
11 terials to be used in the construction, alteration or repair of, any min-  
12 ing claim, building, wharf, bridge, ditch, dike, flume, tunnel, fence, ma-  
13 chinery, railroad, wagon road, aqueduct to create hydraulic power, or any  
14 other structure, or who grades, fills in, levels, surfaces or otherwise im-  
15 proves any land, or who performs labor in any mine or mining claim, and every  
16 professional engineer or licensed surveyor under contract who prepares or  
17 furnishes designs, plans, plats, maps, specifications, drawings, surveys,  
18 estimates of cost, on-site observation or supervision, or who renders any  
19 other professional service whatsoever for which he is legally authorized to  
20 perform in connection with any land or building development or improvement,  
21 or to establish boundaries, has a lien ~~upon~~ on the same for the work or labor  
22 done or professional services or materials furnished, whether done or fur-  
23 nished at the instance of the owner of the building or other improvement or  
24 his agent; and every contractor, subcontractor, architect, builder or any  
25 person having charge of any mining claim, or of the construction, alteration  
26 or repair, either in whole or in part, of any building or other improvement,  
27 as aforesaid, shall be held to be the agent of the owner for the purpose of  
28 this chapter: provided, that the lessee or lessees of any mining claim shall  
29 not be considered as the agent or agents of the owner under the provisions of  
30 this chapter.

31 For purposes of this chapter, the term "furnishing material" shall also  
32 include, notwithstanding any other provision of law to the contrary, supply-  
33 ing, renting or leasing equipment, materials or fixtures as defined in sec-  
34 tion 28-12-309, Idaho Code.

35 "Furnishing material" shall also include renting, leasing or otherwise  
36 supplying any equipment, materials, fixtures or machinery to any mine or  
37 mining claim.

38 SECTION 2. An emergency existing therefor, which emergency is hereby  
39 declared to exist, this act shall be in full force and effect on and after its  
40 passage and approval.