

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR

# SENATE BILL NO. 357

97TH GENERAL ASSEMBLY  
2013

1410S.03T

---

---

## 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Section A. Section 429.010, RSMo, is repealed and one new section  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  
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,

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

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 **fifteen** business days of the commencement of the use of the rental machinery  
45 or 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.

✓