

CHAPTER 267.

MECHANICS' LIENS.

H. F. 595.

AN ACT to repeal section three thousand ninety-three (3093) of the code, and to enact a substitute therefor relating to sub-contractor's mechanics' liens and the liability of the owner of a building or structure to the principal contractor and the sub-contractor.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Repeal—sub-contractor's mechanics' lien—owner's liability—waiver—how vacated and discharged.** That section three thousand ninety-three (3093) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

"No owner of any building or structure upon which a subcontractor's mechanic's lien may be filed under the provisions of section three thousand ninety-two (3092) of the code shall be liable to an action by the original contractor for compensation for work done or materials, machinery or fixtures furnished for any building, structure or other improvement upon land until the expiration of thirty (30) days from the completion of said building, structure or improvement, unless the original contractor shall furnish to the owner of said building, structure or improvement receipts and waivers of claims for mechanics' liens, signed by all persons who performed any labor or furnished any material, machinery or fixtures for said building, structure or improvement, provided there be such persons, or unless the original contractor shall furnish to the owner a good and sufficient bond to be approved by said owner, conditioned that said owner shall be held harmless from any loss which he may sustain by reason of the filing of subcontractor's mechanics' liens. Should the owner pay to the original contractor any part of the contract price of such building, structure or improvement before the lapse of the thirty (30) days allowed by law for the filing of subcontractor's mechanics' liens, he will still be liable to said subcontractor for the full value of any material, machinery or fixtures furnished, or labor performed, upon said building, structure or improvement, provided said subcontractor file his mechanic's lien within the time provided by law for the filing of subcontractor's mechanics' liens.

"The lien of a subcontractor may be vacated and discharged at any time by the owner, principal contractor or intermediate subcontractor filing with the clerk of the district court of the county in which the property is located a sufficient bond in twice the amount of the sum for which the claim for the lien is filed, with surety or sureties, to be approved by the clerk of the district court in which said lien is filed, conditioned for the payment of any sum for which the claimant may obtain judgment upon the demand for which such statement or account has been filed. Nothing in this act shall be construed to require the owner to pay a greater amount or at an earlier date than is provided in his contract with the principal contractor, unless said owner pays a part or all of the contract price to the original contractor before the expiration of the thirty (30) days allowed by law for the filing of subcontractor's mechanics' lien."

Approved April 18 A. D. 1913.