

Lamberti  
Boettger  
Frais

SSB. 1076

Judiciary

Succeeded By

SENATE FILE

SP/HF 437

BY (PROPOSED COMMITTEE ON

JUDICIARY BILL BY

CHAIRPERSON MCKEAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to notification regarding mechanics' liens by  
2 persons furnishing only materials to subcontractors who are  
3 also furnishing only materials to contractors.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 572.33, Code 1999, is amended to read  
2 as follows:

3 572.33 REQUIREMENT OF NOTIFICATION.

4 Notwithstanding ~~any other provisions of this chapter~~  
5 provision of the Code to the contrary, and in addition to all  
6 other requirements of this chapter, a claim by a person  
7 furnishing ~~labor or~~ only materials to a subcontractor who is  
8 also furnishing only materials to the principal contractor  
9 shall not be entitled to a lien under this chapter unless the  
10 person furnishing ~~labor or materials does all of the~~  
11 following:

12 ~~1.---Notifies the owner and~~ to the subcontractor notifies  
13 the principal contractor within thirty days of the furnishing  
14 of the ~~labor or materials for which a lien claim is made,~~  
15 ~~including the amount, kind, and value of the labor or~~  
16 ~~materials furnished.~~

17 ~~2.---Supports and supports~~ the lien claim with a certified  
18 statement that the principal contractor was notified within  
19 thirty days after the ~~labor or materials were furnished of the~~  
20 ~~amount, kind, and value of the labor or materials furnished.~~

21 EXPLANATION

22 This bill amends Code section 572.33, regarding mechanics'  
23 liens on labor and materials furnished to a subcontractor.  
24 The bill removes changes made to the section by the general  
25 assembly in the 1998 Session, returning the scope of the  
26 section to persons who furnish only materials to a  
27 subcontractor who is also furnishing only materials to a  
28 principal contractor. The bill would require such persons to  
29 notify the principal contractor within 30 days of furnishing  
30 the materials, and to support the lien claim with a certified  
31 statement attesting to the 30-day notification, in addition to  
32 all other requirements under the chapter, in order to be  
33 entitled to a mechanic's lien.

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FILED MAR 15 1999

SENATE FILE 437  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1076)

Passed Senate, Date <sup>(p. 833)</sup> 3/29/99 Passed House, Date <sup>(p. 1285)</sup> 4/14/99  
Vote: Ayes 48 Nays 0 Vote: Ayes 95 Nays 0  
Approved May 10, 1999

A BILL FOR

1 An Act relating to notification regarding mechanics' liens.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 437

1 Section 1. Section 572.33, Code 1999, is amended to read  
2 as follows:

3 572.33 REQUIREMENT OF NOTIFICATION.

4 1. Notwithstanding other provisions of this chapter, and  
5 in addition to all other requirements of this chapter, a  
6 person furnishing labor or materials to a subcontractor shall  
7 not be entitled to a lien under this chapter unless the person  
8 furnishing labor or materials does all of the following:

9 1 a. Notifies the ~~owner-and-the~~ principal contractor  
10 within ~~thirty~~ forty-five days of the furnishing of the labor  
11 or materials for which a lien claim is made, including the  
12 ~~amount,-kind,~~ type and value of the labor or materials  
13 furnished.

14 2 b. Supports the lien claim with a certified statement  
15 that the principal contractor was notified within ~~thirty~~  
16 forty-five days after the labor or materials were furnished of  
17 the ~~amount,-kind,~~ type and value of the labor or materials  
18 furnished.

19 2. This section shall not apply to a mechanic's lien on  
20 single-family or two-family dwellings occupied or used or  
21 intended to be occupied or used for residential purposes.

22 EXPLANATION

23 This bill amends Code section 572.33, regarding mechanics'  
24 liens on labor and materials furnished to a subcontractor.  
25 The bill would require persons to notify the principal  
26 contractor within 45 days of furnishing the labor or  
27 materials, and to support the lien claim with a certified  
28 statement attesting to the 45-day notification, in addition to  
29 all other requirements under the chapter, in order to be  
30 entitled to a mechanic's lien. The bill changes the  
31 information required in the notification to the type and value  
32 of the labor and materials, rather than the amount, kind, and  
33 value. The section expressly states that it does not apply to  
34 one-family or two-family dwellings.

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SENATE FILE 437

S-3174

1 Amend Senate File 437 as follows:

2 1. Page 1, by striking lines 10 through 13 and  
3 inserting the following: "with a one-time notice  
4 within thirty days of the furnishing of the labor or  
5 materials for which a lien claim is made, including  
6 the amount, kind, and value of the labor or materials  
7 furnished."

8 2. Page 1, by striking lines 15 through 18 and  
9 inserting the following: "that the principal  
10 contractor was notified with a one-time notice within  
11 thirty days after the labor or materials were  
12 furnished ~~of the amount, kind, and value of the labor~~  
13 ~~or materials furnished.~~"

14 3. By renumbering as necessary.

By JEFF LAMBERTI  
JOANN JOHNSON  
TOM FLYNN

S-3174 FILED MARCH 29, 1999

ADOPTED

(P. 833)

SENATE FILE 437

S-3176

1 Amend Senate File 437 as follows:

2 1. Page 1, by inserting after line 21 the  
3 following:

4 "3. Notwithstanding other provisions of this  
5 chapter, a principal contractor shall not be  
6 prohibited from requesting information from a  
7 subcontractor or a person furnishing labor or  
8 materials to a subcontractor regarding payments made  
9 or payments to be made to a person furnishing labor or  
10 materials to a subcontractor."

By JEFF LAMBERTI  
TOM FLYNN

S-3176 FILED MARCH 29, 1999

ADOPTED

(P. 833)



1 Section 1. Section 572.33, Code 1999, is amended to read  
2 as follows:

3 572.33 REQUIREMENT OF NOTIFICATION.

4 1. Notwithstanding other provisions of this chapter, and  
5 in addition to all other requirements of this chapter, a  
6 person furnishing labor or materials to a subcontractor shall  
7 not be entitled to a lien under this chapter unless the person  
8 furnishing labor or materials does all of the following:

9 1 a. Notifies the ~~owner-and-the~~ principal contractor with  
10 a one-time notice within thirty days of the furnishing of the  
11 labor or materials for which a lien claim is made~~-including~~  
12 the amount, kind, and value of the labor or materials  
13 furnished.

14 2 b. Supports the lien claim with a certified statement  
15 that the principal contractor was notified with a one-time  
16 notice within thirty days after the labor or materials were  
17 furnished of the amount, kind, and value of the labor or  
18 materials furnished.

19 2. This section shall not apply to a mechanic's lien on  
20 single-family or two-family dwellings occupied or used or  
21 intended to be occupied or used for residential purposes.

22 3. Notwithstanding other provisions of this chapter, a  
23 principal contractor shall not be prohibited from requesting  
24 information from a subcontractor or a person furnishing labor  
25 or materials to a subcontractor regarding payments made or  
26 payments to be made to a person furnishing labor or materials  
27 to a subcontractor.

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H-1374

- 1 Amend Senate File 437, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 9, by inserting after the word  
 4 "contractor" the following: "in writing".  
 5 2. Page 1, line 10, by inserting after the word  
 6 "notice" the following: "containing the name, mailing  
 7 address, and telephone number of the person furnishing  
 8 the labor or materials, and the name of the  
 9 subcontractor to whom the labor or materials were  
 10 furnished,".  
 11 3. Page 1, line 10, by striking the words "the  
 12 furnishing of the" and inserting the following: "the  
 13 first furnishing of-~~the~~".  
 14 4. Page 1, line 11, by striking the word "is" and  
 15 inserting the following: "is may be".  
 16 5. Page 1, line 13, by inserting after the word  
 17 "furnished." the following: "Additional labor or  
 18 materials furnished by the same person to the same  
 19 subcontractor for use in the same construction project  
 20 shall be covered by this notice."  
 21 6. Page 1, line 15, by inserting after the word  
 22 "notified" the following: "in writing".  
 23 7. Page 1, line 16, by inserting after the word  
 24 "notice" the following: "containing the name, mailing  
 25 address, and telephone number of the person furnishing  
 26 the labor or materials, and the name of the  
 27 subcontractor to whom the labor or materials were  
 28 furnished,".  
 29 8. Page 1, line 16, by inserting after the word  
 30 "were" the following: "first".  
 31 9. Page 1, line 18, by inserting after the word  
 32 "furnished" the following: ", pursuant to paragraph  
 33 a".

By LARSON of Linn

H-1374 FILED APRIL 1, 1999

*Adopted 4-14-99 (p. 1285)*

SENATE FILE 437

H-1401

- 1 Amend Senate File 437, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 9, by striking the words "owner  
 4 and-the" and inserting the following: "owner and  
 5 the".

By MILLAGE of Scott  
 SHOULTZ of Black Hawk  
 MYERS of Johnson

H-1401 FILED APRIL 5, 1999

*w/o 4/14/99 (p. 1285)*

H-1531

1 Amend Senate File 437, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 9, by inserting after the word  
 4 "contractor" the following: "in writing".  
 5 2. Page 1, line 10, by inserting after the word  
 6 "notice" the following: "containing the name, mailing  
 7 address, and telephone number of the person furnishing  
 8 the labor or materials, and the name of the  
 9 subcontractor to whom the labor or materials were  
 10 furnished,".  
 11 3. Page 1, line 15, by inserting after the word  
 12 "notified" the following: "in writing".  
 13 4. Page 1, line 16, by inserting after the word  
 14 "notice" the following: "containing the name, mailing  
 15 address, and telephone number of the person furnishing  
 16 the labor or materials, and the name of the  
 17 subcontractor to whom the labor or materials were  
 18 furnished,".

0/6 4/14/99

By LARSON of Linn

H-1531 FILED APRIL 12, 1999

HOUSE AMENDMENT TO  
SENATE FILE 437

S-3371

1 Amend Senate File 437, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 9, by inserting after the word  
 4 "contractor" the following: "in writing".  
 5 2. Page 1, line 10, by inserting after the word  
 6 "notice" the following: "containing the name, mailing  
 7 address, and telephone number of the person furnishing  
 8 the labor or materials, and the name of the  
 9 subcontractor to whom the labor or materials were  
 10 furnished,".  
 11 3. Page 1, line 10, by striking the words "the  
 12 furnishing of the" and inserting the following: "the  
 13 first furnishing of-the".  
 14 4. Page 1, line 11, by striking the word "is" and  
 15 inserting the following: "is may be".  
 16 5. Page 1, line 13, by inserting after the word  
 17 "furnished." the following: "Additional labor or  
 18 materials furnished by the same person to the same  
 19 subcontractor for use in the same construction project  
 20 shall be covered by this notice.".  
 21 6. Page 1, line 15, by inserting after the word  
 22 "notified" the following: "in writing".  
 23 7. Page 1, line 16, by inserting after the word  
 24 "notice" the following: "containing the name, mailing  
 25 address, and telephone number of the person furnishing  
 26 the labor or materials, and the name of the  
 27 subcontractor to whom the labor or materials were  
 28 furnished,".  
 29 8. Page 1, line 16, by inserting after the word  
 30 "were" the following: "first".  
 31 9. Page 1, line 18, by inserting after the word  
 32 "furnished" the following: ", pursuant to paragraph  
 33 "a"".

RECEIVED FROM THE HOUSE

S-3371 FILED APRIL 14, 1999

Senate Concurred  
4/20/99 (P.1224)

AN ACT  
RELATING TO NOTIFICATION REGARDING MECHANICS' LIENS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 572.33, Code 1999, is amended to read as follows:

572.33 REQUIREMENT OF NOTIFICATION.

1. Notwithstanding other provisions of this chapter, and in addition to all other requirements of this chapter, a person furnishing labor or materials to a subcontractor shall not be entitled to a lien under this chapter unless the person furnishing labor or materials does all of the following:

1 a. Notifies the owner and the principal contractor in writing with a one-time notice containing the name, mailing address, and telephone number of the person furnishing the labor or materials, and the name of the subcontractor to whom the labor or materials were furnished, within thirty days of the first furnishing of the labor or materials for which a lien claim is may be made, including the amount, kind, and value of the labor or materials furnished. Additional labor or materials furnished by the same person to the same subcontractor for use in the same construction project shall be covered by this notice.

2 b. Supports the lien claim with a certified statement that the principal contractor was notified in writing with a one-time notice containing the name, mailing address, and telephone number of the person furnishing the labor or materials, and the name of the subcontractor to whom the labor or materials were furnished, within thirty days after the labor or materials were first furnished of the amount, kind, and value of the labor or materials furnished, pursuant to paragraph "a".

2. This section shall not apply to a mechanic's lien on single-family or two-family dwellings occupied or used or intended to be occupied or used for residential purposes.

3. Notwithstanding other provisions of this chapter, a principal contractor shall not be prohibited from requesting information from a subcontractor or a person furnishing labor or materials to a subcontractor regarding payments made or payments to be made to a person furnishing labor or materials to a subcontractor.

\_\_\_\_\_  
MARY E. KRAMER  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 437, Seventy-eighth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved May 10, 1999

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THOMAS J. VILSACK  
Governor