

COMMERCE: Nystrom, Chair; Gronstal and Tieden

Amend (5247) x D. Pass 3/4 (p. 538)

FEB 13 1986

Place On Calendar

HOUSE FILE 2287

BY COMMITTEE ON SMALL BUSINESS
AND COMMERCE

(Formerly House File 2172)

Passed House, Date 2-19-86 (p. 271) Passed Senate, Date 3-6-86 (p. 578)

Vote: Ayes 93 Nays 0 Vote: Ayes 44 Nays 1

Approved March 13, 1986 (p. 766)

Approved House 3-11-86 (p. 683)

94-0

A BILL FOR

1 An Act relating to mechanic's liens.

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

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S-5247

HOUSE FILE 2287

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1 Amend House File 2287 as passed by the House as follows:

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3 1. Page 1, by striking lines 12 through 21 and inserting the following: "section applies to any mechanic's lien perfected under this chapter that has not been discharged as of the effective date of this Act as well as any mechanic's lien filed on or after the effective date of this Act."

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9 2. Title page, by striking line 1 and inserting the following:

11 "An Act permitting the posting of a bond to discharge a mechanic's lien and providing for an effective date."

14 3. Renumber as necessary.

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S-5247 Filed March 4, 1986
BY COMM. ON COMMERCE, KINLEY, CHAIR

(Adopted 3/6 (p. 578))

SENATE AMENDMENT TO HOUSE FILE 2287

H-5283

1 Amend House File 2287 as passed by the House as follows:

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3 1. Page 1, by striking lines 12 through 21 and inserting the following: "section applies to any mechanic's lien perfected under this chapter that has not been discharged as of the effective date of this Act as well as any mechanic's lien filed on or after the effective date of this Act."

9 2. Title page, by striking line 1 and inserting the following: "An Act permitting the posting of a bond to discharge a mechanic's lien and providing for an effective date."

13 3. Renumber as necessary.

H-5283 FILED MARCH 10, 1986 RECEIVED FROM THE SENATE

Same amended 4/1 (p. 683)

HF 2287

1 Section 1. Section 572.15, Code 1985, is amended to read
2 as follows:

3 572.15 DISCHARGE OF SUBCONTRACTOR'S MECHANIC'S LIEN.

4 Every A mechanic's lien ~~of a subcontractor~~ may be
5 discharged at any time by the owner, principal contractor, or
6 intermediate subcontractor filing with the clerk of the
7 district court of the county in which the property is located
8 a bond in twice the amount of the sum for which the claim for
9 the lien is filed, with surety or sureties, to be approved by
10 ~~said the~~ clerk, conditioned for the payment of any sum for
11 which the claimant may obtain judgment upon the claim. This
12 section applies retroactively to any mechanic's lien perfected
13 under this chapter as of the effective date of this Act.

14 Sec. 2. Section 572.32, Code 1985, is amended to read as
15 follows:

16 572.32 ATTORNEY FEES.

17 In a court action to enforce a mechanic's lien, if the
18 plaintiff furnished labor or materials directly to the
19 defendant, the plaintiff, if successful, shall be awarded
20 reasonable attorney fees. If the plaintiff is unsuccessful,
21 the defendant shall be awarded reasonable attorney fees.

22 Sec. 3. This Act, being deemed of immediate importance,
23 takes effect from and after its publication in the Jasper
24 County Tribune, a newspaper published in Colfax, Iowa, and in
25 The Cedar Valley Times, a newspaper published in Vinton, Iowa.

26 EXPLANATION

27 This bill modifies chapter 572 regarding mechanic's liens.
28 It provides that any mechanic's lien may be discharged by
29 posting a bond with a surety in twice the amount of the claim.
30 Current law permits this procedure only for discharge of a
31 mechanic's lien of a subcontractor. It also provides that an
32 unsuccessful plaintiff in an action on a mechanic's lien shall
33 be ordered to pay the defendant reasonable attorney fees.
34 Currently only the successful plaintiff is entitled to fees.
35 The bill is effective upon publication.

County Tribune, a newspaper published in Colfax, Iowa, and in
The Cedar Valley Times, a newspaper published in Vinton, Iowa.

HOUSE FILE 2287

AN ACT

PERMITTING THE POSTING OF A BOND TO DISCHARGE A MECHANIC'S
LIEN AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Section 572.15, Code 1985, is amended to read
as follows:

572.15 DISCHARGE OF SUBCONTRACTOR'S MECHANIC'S LIEN.

Every ~~A~~ mechanic's lien ~~of a subcontractor~~ may be
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 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
~~said the~~ clerk, conditioned for the payment of any sum for
which the claimant may obtain judgment upon the claim. This
section applies to any mechanic's lien perfected under this
chapter that has not been discharged as of the effective date
of this Act as well as any mechanic's lien filed on or after
the effective date of this Act.

Sec. 3. This Act, being deemed of immediate importance,
takes effect from and after its publication in the Jasper

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2287, Seventy-first General Assembly.

Approved March 13, 1986

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor

H.F. 2287