

FEB 6 1996
COMMERCE - REGULATION

HOUSE FILE
BY HARPER

2156

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the liability of a home owner to a contractor
2 and a subcontractor upon the filing of a mechanic's lien.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 2156

1 Section 1. Section 572.14, subsection 2, Code 1995, is
2 amended to read as follows:

3 2. In the case of an owner-occupied dwelling, a mechanic's
4 lien perfected under this chapter is enforceable only to the
5 extent of the balance due from the owner to the principal
6 contractor at the time written notice, in the form specified
7 in subsection 3, is served on the owner. This notice may be
8 served by delivering it to the owner or the owner's spouse
9 personally, or by mailing it to the owner by certified mail
10 with restricted delivery and return receipt to the person
11 mailing the notice, or by personal service as provided in the
12 rules of civil procedure. Upon service of written notice of
13 the mechanic's lien on the owner, the owner is not required to
14 make any additional payments to either the contractor or the
15 subcontractor until such time as a settlement is reached
16 between the contractor and the subcontractor as to the amount
17 of the balance due and to whom such balance is due and owing.

18 EXPLANATION

19 This bill provides that upon service of written notice to a
20 home owner that a subcontractor has filed a mechanic's lien
21 against the property of the home owner for amounts due to the
22 subcontractor for material furnished or labor performed upon
23 such property, the owner is not required to make any
24 additional payments to either the contractor or a
25 subcontractor until a settlement is reached between the
26 contractor and the subcontractor as to the amount due and to
27 whom such amount is due.

28
29
30
31
32
33
34
35