

SENATE FILE 2386
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2254)

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

A BILL FOR

1 An Act establishing a mechanic's lien for a lessor of material
2 used in the course of alteration, construction, or repair of a
3 building, improvement, or land.

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

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SENATE FILE 2386

S-5337

- 1 Amend Senate File 2386 as follows:
- 2 1. Page 1, line 29, by inserting after the words
- 3 "material rental" the following: "provided the person
- 4 informs the owner, the owner's agent, or trustee at
- 5 the time of rental of the material that the person has
- 6 a lien upon the building, improvement, or land to
- 7 secure payment for rental of the material".
- 8 2. By renumbering as necessary.

By WILLIAM D. PALMER

S-5337 FILED MARCH 13, 1996

S.F. 2386

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1 Section 1. Section 572.1, subsection 2, Code 1995, is
2 amended to read as follows:

3 2. "Material" shall in addition to its ordinary meaning
4 embrace and include machinery, tools, fixtures, trees,
5 evergreens, vines, plants, shrubs, tubers, bulbs, hedges,
6 bushes, sod, soil, dirt, mulch, peat, fertilizer, fence wire,
7 fence material, fence posts, tile, and the use of forms,
8 accessories, and equipment.

9 Sec. 2. Section 572.2, Code 1995, is amended to read as
10 follows:

11 572.2 PERSONS ENTITLED TO LIEN.

12 Every person who shall furnish any material or labor for,
13 or perform any labor upon, any building or land for
14 improvement, alteration, or repair thereof, including those
15 engaged in the construction or repair of any work of internal
16 or external improvement, and those engaged in grading,
17 sodding, installing nursery stock, landscaping, sidewalk
18 building, fencing on any land or lot, by virtue of any
19 contract with the owner, the owner's agent, trustee,
20 contractor, or subcontractor shall have a lien upon such
21 building or improvement, and land belonging to the owner on
22 which the same is situated or upon the land or lot so graded,
23 landscaped, fenced, or otherwise improved, altered, or
24 repaired, to secure payment for the material or labor
25 furnished or labor performed. If material is rented by a
26 person to the owner, the owner's agent, trustee, contractor,
27 or subcontractor, the person shall have a lien upon such
28 building, improvement, or land to secure payment for the
29 material rental. The lien is for the reasonable rental value
30 during the period of actual use of the material and any
31 reasonable periods of nonuse of the material taken into
32 account in the rental agreement. The delivery of material to
33 such building, improvement, or land, whether or not delivery
34 is made by the person, creates a presumption that the material
35 was used in the course of alteration, construction, or repair

1 of the building, improvement, or land.

2 EXPLANATION

3 This bill establishes a mechanic's lien for a person who
4 rents to an owner, owner's agent, trustee, contractor, or
5 subcontractor, material used in the course of alteration, con-
6 struction, or repair of the owner's building, improvement, or
7 land. The mechanic's lien is for the reasonable rental value
8 during the period of actual use of the material and any
9 reasonable periods of nonuse of the material taken into
10 account in the rental agreement. The bill provides that the
11 delivery of material to such building, improvement, or land
12 creates a presumption that the material was used in the course
13 of alteration, construction, or repair of the building,
14 improvement, or land.

15 The bill expands the definition of material to include
16 tools. Existing law defines material to include machinery,
17 equipment, trees, plants, dirt, fence material, and other
18 accessories.

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Newhauser
Giannetto
Vilsack
Maddox
Drake

SSB. 2254

Judiciary
Succeeded ✓
SF 108 2386

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON GIANNETTO)

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