

# Senate Study Bill 2254

## Conference Committee Text

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1 1 Section 1. Section [572.1](#), subsection 2, Code 1995, is  
1 2 amended to read as follows:  
1 3 2. "Material" shall in addition to its ordinary meaning  
1 4 embrace and include machinery, tools, fixtures, trees,  
1 5 evergreens, vines, plants, shrubs, tubers, bulbs, hedges,  
1 6 bushes, sod, soil, dirt, mulch, peat, fertilizer, fence wire,  
1 7 fence material, fence posts, tile, and the use of forms,  
1 8 accessories, and equipment.

1 9 Sec. 2. Section [572.2](#), Code 1995, is amended to read as  
1 10 follows:

1 11 572.2 PERSONS ENTITLED TO LIEN.

1 12 Every person who shall furnish any material or labor for,  
1 13 or perform any labor upon, any building or land for  
1 14 improvement, alteration, or repair thereof, including those  
1 15 engaged in the construction or repair of any work of internal  
1 16 or external improvement, and those engaged in grading,  
1 17 sodding, installing nursery stock, landscaping, sidewalk  
1 18 building, fencing on any land or lot, by virtue of any  
1 19 contract with the owner, the owner's agent, trustee,  
1 20 contractor, or subcontractor shall have a lien upon such  
1 21 building or improvement, and land belonging to the owner on  
1 22 which the same is situated or upon the land or lot so graded,  
1 23 landscaped, fenced, or otherwise improved, altered, or  
1 24 repaired, to secure payment for the material or labor  
1 25 furnished or labor performed. If material is rented by a  
1 26 person to the owner, the owner's agent, trustee, contractor,  
1 27 or subcontractor, the person shall have a lien upon such  
1 28 building, improvement, or land to secure payment for the  
1 29 material rental. The lien is for the reasonable rental value  
1 30 during the period of actual use of the material and any  
1 31 reasonable periods of nonuse of the material taken into  
1 32 account in the rental agreement. The delivery of material to  
1 33 such building, improvement, or land, whether or not delivery  
1 34 is made by the person, creates a presumption that the material  
1 35 was used in the course of alteration, construction, or repair  
2 1 of the building, improvement, or land.

2 2 EXPLANATION

2 3 This bill establishes a mechanic's lien for a person who  
2 4 rents to an owner, owner's agent, trustee, contractor, or  
2 5 subcontractor, material used in the course of alteration, con-  
2 6 struction, or repair of the owner's building, improvement, or  
2 7 land. The mechanic's lien is for the reasonable rental value  
2 8 during the period of actual use of the material and any  
2 9 reasonable periods of nonuse of the material taken into  
2 10 account in the rental agreement. The bill provides that the  
2 11 delivery of material to such building, improvement, or land  
2 12 creates a presumption that the material was used in the course  
2 13 of alteration, construction, or repair of the building,  
2 14 improvement, or land.

2 15 The bill expands the definition of material to include  
2 16 tools. Existing law defines material to include machinery,  
2 17 equipment, trees, plants, dirt, fence material, and other  
2 18 accessories.

2 19 LSB 4271SC 76

