

CHAPTER 1142**MECHANIC'S LIENS***H.F. 2400*

AN ACT providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 572.1, subsection 2, Code 1997, is amended to read as follows:

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

Sec. 2. Section 572.2, Code 1997, is amended to read as follows:

572.2 PERSONS ENTITLED TO LIEN.

1. Every person who shall furnish any material or labor for, or perform any labor upon, any building or land for improvement, alteration, or repair thereof, including those engaged in the construction or repair of any work of internal or external improvement, and those engaged in grading, sodding, installing nursery stock, landscaping, sidewalk building, fencing on any land or lot, by virtue of any contract with the owner, the owner's agent, trustee, contractor, or subcontractor shall have a lien upon such building or improvement, and land belonging to the owner on which the same is situated or upon the land or lot so graded, landscaped, fenced, or otherwise improved, altered, or repaired, to secure payment for the material or labor furnished or labor performed.

2. If material is rented by a person to the owner, the owner's agent, trustee, contractor, or subcontractor, the person shall have a lien upon such building, improvement, or land to secure payment for the material rental. The lien is for the reasonable rental value during the period of actual use of the material and any reasonable periods of nonuse of the material taken into account in the rental agreement. The delivery of material to such building, improvement, or land, whether or not delivery is made by the person, creates a presumption that the material was used in the course of alteration, construction, or repair of the building, improvement, or land. However, this presumption shall not pertain to recoveries sought under a surety bond.

Sec. 3. Section 572.14, subsection 2, Code 1997, is amended to read as follows:

2. In the case of an owner-occupied dwelling, a mechanic's lien perfected under this chapter is enforceable only to the extent of the ~~balance due from the owner to the principal contractor at the time written notice, in the form~~ amount due the principal contractor by the owner-occupant under the contract, less any payments made by the owner-occupant to the principal contractor prior to the owner-occupant being served with the notice specified in subsection 3, ~~is served on the owner.~~ This notice may be served by delivering it to the owner or the owner's spouse personally, or by mailing it to the owner by certified mail with restricted delivery and return receipt to the person mailing the notice, or by personal service as provided in the rules of civil procedure.

Sec. 4. Section 572.33, Code 1997, is amended to read as follows:

572.33 REQUIREMENT OF NOTIFICATION.

Notwithstanding any provision to the contrary, a claim by other provisions of this chapter, and in addition to all other requirements of this chapter, a person furnishing only labor or materials to a subcontractor ~~who is furnishing only materials~~ shall not be entitled to a lien under this chapter unless the person furnishing labor or materials had notified does all of the following:

a. Notifies the owner and the principal contractor within thirty days of the furnishing of the labor or materials and the lien claim is supported by for which a lien claim is made, including the amount, kind, and value of the labor or materials furnished.

b. Supports the lien claim with a certified statement that the principal contractor had been was notified within thirty days after the labor or materials were furnished of the amount, kind, and value of the labor or materials furnished. This requirement is in addition to all other requirements of this chapter.

Approved April 22, 1998

CHAPTER 1143

COUNTY ISSUANCE OF MOTOR VEHICLE LICENSES

H.F. 2424

AN ACT providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 321M.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Cluster" means a group of four to six contiguous counties serving a population area comparable to an area served by a department itinerant team, that is subject to an agreement among the participating counties that is executed pursuant to chapter 28E.
2. "Commercial driver's license" means a motor vehicle license valid for the operation of a commercial motor vehicle, as regulated by chapter 321.
3. "County issuance" means the system or process of issuing motor vehicle licenses, nonoperator identification cards, and persons with disabilities identification devices, including all related testing, to the same extent that such items are issued by the department.
4. "Department" means the state department of transportation.
5. "Digitized photolicensing equipment" means the machines and related materials, obtained pursuant to contract, the use of which results in the on-site production of motor vehicle licenses and nonoperator identification cards.
6. "Digitized photolicensing equipment contract period" means the period of time that the contract for the digitized photolicensing equipment is in effect, including any contract extensions elected by the department under the terms of the contract.
7. "Initial opt-in period" means the first opportunity for a county to indicate its interest in being authorized to participate in county issuance.
8. "Issuing county" means a county that is participating in county issuance.
9. "Itinerant team" means a traveling team of department personnel assigned to license issuance activities in a specified geographic area.
10. "Motor vehicle" means a vehicle which is self-propelled, including but not limited to automobiles, cars, motor trucks, semitrailers, motorcycles, and similar vehicles regulated under chapter 321.
11. "Motor vehicle license" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a driver's, commercial driver's, temporary restricted, or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, temporary restricted, or temporary permit.