

BILL ANALYSIS

Senate Research Center
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H.B. 2135
By: Solomons (Harris)
Jurisprudence
5/14/1999
Engrossed

DIGEST

Under Section 53.021 (Persons Entitled to Lien), Property Code, a person may secure a mechanic's lien if that person furnishes labor or materials for construction of a home, building, or improvement in this state under or by virtue of a contract with the owner or the owner's agent, trustee, receiver, contractor, or subcontractor. The lien secures payment for the labor done or material furnished for the construction or repair, and it extends to the house, building, fixtures, or improvements. If the lien is perfected, the furnisher of labor or materials may enforce the lien on the property. In the late 1980's however, some liens held by suppliers of labor, plant material, or other material for the installation of landscaping were not honored by some title companies. H.B. 2135 entitles a person who provides labor, plant material, or other supplies for the installation of landscaping for a house, building, or improvement, under or by virtue of a written contract with the owner or the owner's agent, trustee, or receiver to a mechanic's lien on the property.

PURPOSE

As proposed, H.B. 2135 provides that a person who provides labor, plant material, or other supplies for the installation of landscaping for a house, building, or improvement, under or by virtue of a written contract with the owner or the owner's agent, trustee, or receiver is entitled to a mechanic's lien on the property.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 53.021, Property Code, by adding Subsection (d), to entitle a person who provides labor, plant material, or other supplies for the installation of landscaping for a house, building, or improvement, under or by virtue of a written contract with the owner or the owner's agent, trustee, or receiver to a mechanic's lien on the property.

SECTION 2. Amends Section 53.124(e), Property Code, to remove the specification that the lien is of an architect, engineer, or surveyor, and adds reference to Subsection (d) (added by this Act), thus providing that the time of inception of a lien that is created under Sections 53.021(c) or (d) is the date of recording of an affidavit of lien under Section 53.052 (Filing of Affidavit), Property Code. Provides that the priority of a lien claimed by a person entitled to a lien under Section 53.021 (c) or (d) with respect to other mechanic's liens is determined by the date of recording. Makes conforming changes.

SECTION 3. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 4. Emergency clause.