

ASSEMBLY BILL NO. 359—ASSEMBLYMEN PIERCE, PARKS, HORNE,
ANDERSON, ARBERRY, ATKINSON, BOBZIEN, BUCKLEY,
CLABORN, DENIS, GERHARDT, HOGAN, KIHUEN,
KIRKPATRICK, KOIVISTO, LESLIE, MANENDO, MCCLAIN,
MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL,
PARNELL, SEGERBLOM AND SMITH

MARCH 15, 2007

JOINT SPONSORS: SENATORS CARLTON, WIENER, CARE AND TITUS

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain statutory liens.
(BDR 9-1011)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to liens; revising the definition of “lien claimant”
to include certain express trust funds; and providing other
matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law provides for mechanics’ and materialmen’s liens. (NRS 108.221-
- 2 108.246) A mechanic’s or materialman’s lien arises if a “lien claimant” is not fully
- 3 paid for furnishing work, materials or equipment for the improvement of property.
- 4 If a mechanic’s or materialman’s lien arises, the “lien claimant” has a lien on the
- 5 property for which the improvements were made. (NRS 108.222) This bill includes
- 6 in the definition of “lien claimant” an express trust fund to whom any portion of a
- 7 laborer’s compensation, including, without limitation, fringe benefits, must be paid
- 8 and thus allows such an express trust fund to have a mechanic’s and materialman’s
- 9 lien. (NRS 108.2214, 108.222)



* A B 3 5 9 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 108.2214 is hereby amended to read as follows:

108.2214 **1.** "Lien claimant" means any person who provides work, material or equipment with a value of \$500 or more to be used in or for the construction, alteration or repair of any improvement, property or work of improvement. The term includes, without limitation, every artisan, builder, contractor, laborer, lessor or renter of equipment, materialman, miner, subcontractor or other person who provides work, material or equipment, and any person who performs services as an architect, engineer, land surveyor or geologist, in relation to the improvement, property or work of improvement.

2. *As used in this section, "laborer" includes, without limitation, an express trust fund to which any portion of the total compensation of a laborer, including, without limitation, any fringe benefit, must be paid pursuant to an agreement with that laborer or the collective bargaining agent of that laborer.*

Sec. 2. This act becomes effective upon passage and approval.

