

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 882 Session of 2009

INTRODUCED BY RAFFERTY AND DINNIMAN, MAY 27, 2009

REFERRED TO LABOR AND INDUSTRY, MAY 27, 2009

AN ACT

1 Amending the act of August 24, 1963 (P.L.1175, No.497), entitled
2 "An act to codify, amend, revise and consolidate the laws
3 relating to mechanics' liens," further providing for the
4 right to lien by a subcontractor.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 301 of the act of August 24, 1963
8 (P.L.1175, No.497), known as the Mechanics' Lien Law of 1963, is
9 amended to read:

10 Section 301. Right to Lien; Amount.--[Every]

11 (a) General rule.--Except as provided under subsection (b),
12 every improvement and the estate or title of the owner in the
13 property shall be subject to a lien, to be perfected as herein
14 provided, for the payment of all debts due by the owner to the
15 contractor or by the contractor to any of his subcontractors for
16 labor or materials furnished in the erection or construction, or
17 the alteration or repair of the improvement, provided that the
18 amount of the claim, other than amounts determined by
19 apportionment under section 306(b) of this act, shall exceed

1 five hundred dollars (\$500).

2 (b) Subcontractor exception.--Notwithstanding any other
3 provision of this act, if the contractor has been paid in full a
4 subcontractor may not file a claim against residential property
5 unless the owner provides a written waiver to the subcontractor
6 to file a claim.

7 Section 2. The amendment of section 301 of the act shall
8 apply to contracts entered into on or after the effective date
9 of this section.

10 Section 3. This act shall take effect in 60 days.