

1-1 By: Puente (Senate Sponsor - Lucio) H.B. No. 208
1-2 (In the Senate - Received from the House May 6, 2003;
1-3 May 8, 2003, read first time and referred to Committee on Business
1-4 and Commerce; May 23, 2003, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to persons who may obtain a mechanic's lien on real
1-9 property.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 53.021, Property Code, is amended by
1-12 adding Subsection (e) to read as follows:

1-13 (e) A person who performs labor as part of, or who furnishes
1-14 labor or materials for, the demolition of a structure on real
1-15 property under or by virtue of a written contract with the owner of
1-16 the property or the owner's agent, trustee, receiver, contractor,
1-17 or subcontractor has a lien on the property.

1-18 SECTION 2. Section 53.124(e), Property Code, is amended to
1-19 read as follows:

1-20 (e) The time of inception of a lien that is created under
1-21 Section 53.021(c), ~~or~~ (d), or (e) is the date of recording of an
1-22 affidavit of lien under Section 53.052. The priority of a lien
1-23 claimed by a person entitled to a lien under Section 53.021(c), ~~or~~
1-24 (d), or (e) with respect to other mechanic's liens is determined by
1-25 the date of recording. A lien created under Section 53.021(c), ~~or~~
1-26 (d), or (e) is not valid or enforceable against a grantee or
1-27 purchaser who acquires an interest in the real property before the
1-28 time of inception of the lien.

1-29 SECTION 3. This Act takes effect September 1, 2003, and
1-30 applies only to labor performed or labor or materials furnished
1-31 under or by virtue of a contract entered into on or after that date.
1-32 Labor performed or labor or materials furnished under or by virtue
1-33 of a contract entered into before that date are governed by the law
1-34 in effect immediately before that date, and that law is continued in
1-35 effect for that purpose.

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