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Everything Old is New Again: Impact of SB189 on Mechanics' Lien Law

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After years of study by the California Law Revision Commission, the Legislature adopted SB 189, the latest round of revisions to the set of construction remedies commonly known as the "Mechanics Lien Law." The revisions go into effect on July 1, 2012. Many practitioners were concerned that the modifications would radically overhaul the pre-SB 189 Mechanics Lien Law, rendering valueless, if not literally ripping to pieces, practitioners' accumulated knowledge and understanding gleaned from decades of navigating the intricacies of the existing structure of this body of law. However, these fears have proven baseless. For the most part, the changes to the Mechanics Lien Law simply relocate the statutes from their most recent home in Civil Code sections 3082 to 3267, and place them in newly-created Civil Code sections 8000 to 8840, and 9000 to 9566. The statute grouping is also reorganized and certain archaic language is modernized. A few other statutes are either added to the Mechanics' Lien Law or reworded. None of these additions and "rewordings" alter existing well known legal principles. In short, practitioners familiar with Mechanics Lien Law are not in for much of a surprise upon reviewing the revised statutes.

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