

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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BILL DRAFT 2013-MNz-15A [v.3] (02/19)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

3/20/2014 5:06:41 PM

Short Title: Mechanics Liens - Tenant as Owner's Agent.

(Public)

Sponsors: Representative Unknown.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW RELATING TO LIENS ARISING FROM LEASEHOLD
3 IMPROVEMENTS UNDER ARTICLE 2 OF CHAPTER 44A.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Part 1 of Article 2 of Chapter 44A of the General Statutes is amended
6 by adding a new section to read:

7 "**§ 44A-8.1. Tenant or subtenant as agent for landowner.**

8 (a) The relationship of landlord and tenant does not by itself cause a tenant who orders
9 improvements to real property leased by the tenant to be an agent of the landlord with respect
10 to the improvements.

11 (b) A contractor or subcontractor seeking to claim or enforce a lien under this Article
12 may nevertheless use the terms of a lease or other agreement between a landowner and a tenant,
13 or any other evidence permitted by law, to establish that the tenant was acting as the
14 landowner's agent in ordering the improvements. For purposes of this subsection, "tenant"
15 includes subtenants.

16 (c) Nothing in this section is intended to alter or otherwise affect the law of this State
17 regarding principals and agents."

18 **SECTION 2.** This act becomes effective October 1, 2014, and applies to actions to
19 enforce a claim of lien or a claim of lien on funds filed on or after that date.



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