



## 2003 ASSEMBLY BILL 659

November 13, 2003 - Introduced by Representatives SERATTI, BIES, GOTTLIEB, GUNDERSON, HUBLER, JESKEWITZ, KERKMAN, TOWNSEND, VAN ROY and VRAKAS. Referred to Committee on Small Business.

1     **AN ACT** *to create* 779.485 of the statutes; **relating to:** liens for work relating to  
2           septic tanks, soil absorption fields, holding tanks, grease traps, and privies.

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***Analysis by the Legislative Reference Bureau***

This bill grants licensed pumpers of liquid waste, such as waste held in septic tanks and privies, a lien for their work on all interests in the land on which the device holding the waste is located. This bill also grants a lien to every person who performs work to repair, maintain, or inspect a septic tank, soil absorption field, holding tank, grease trap, or privy. The bill specifies the manner in which a claim for such a lien may be filed and enforced. Under the bill, the latest date on which an action to enforce such a lien may be brought is two years and six months after performance of the last work on which the lien is based.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3           **SECTION 1.** 779.485 of the statutes is created to read:  
4           **779.485 Liens of liquid waste servicers.** (1) EXTENT, CHARACTER, AND  
5           PRIORITY OF LIEN. Every person who is licensed under s. 281.48 (3) (a) and who  
6           performs work to remove septage from a septic tank, soil absorption field, holding

**ASSEMBLY BILL 659****SECTION 1**

1 tank, grease trap, or privy and to dispose of the septage and every person who  
2 performs work to repair, maintain, or inspect a septic tank, soil absorption field,  
3 holding tank, grease trap, or privy has a lien for the work on all interests in the land  
4 on which the septic tank, soil absorption field, holding tank, grease trap, or privy is  
5 located. The lien extends to all contiguous land of the owner, but if the septic tank,  
6 soil absorption field, holding tank, grease trap, or privy is located wholly on one or  
7 more platted lots belonging to the owner, the lien applies only to the lots on which  
8 the septic tank, soil absorption field, holding tank, grease trap, or privy is located.  
9 The lien provided under this subsection is prior to any lien which originates  
10 subsequent to the the work on which the lien is based. The lien also is prior to any  
11 unrecorded mortgage given prior to the commencement of the work on which the lien  
12 is based, if the lien claimant has no actual notice of the mortgage before the  
13 commencement.

14 (2) FILING CLAIM AND BEGINNING ACTION. (a) *Generally.* No action to enforce a  
15 lien under sub. (1) may be maintained unless, within 6 months from the date the lien  
16 claimant furnished the last work on which the lien is based, the lien claimant files  
17 a claim for the lien in the office of the clerk of circuit court of the county in which the  
18 lands affected by the lien are located and unless the lien claimant brings the action  
19 to enforce the lien within 2 years from the date of filing the claim for lien. A claim  
20 for a lien may be filed and action brought notwithstanding the death of the owner of  
21 the property affected by the action or of the person with whom the original contract  
22 was made, with like effect as if he or she were then living.

23 (b) *Form of claim.* A claim for lien under par. (a) shall contain a statement of  
24 the contract or demand upon which it is founded, the name of the person against  
25 whom the demand is claimed, the name of the claimant, the last date of the

**ASSEMBLY BILL 659**

1 performance of the work on which the lien is based, a legal description of the property  
2 against which the lien is claimed, a statement of the amount claimed, and all other  
3 material facts relating to the claim. The claim for lien shall be signed by the claimant  
4 or the claimant's attorney.

5 (c) *Recording claim.* The clerk of circuit court of the county in which a claim  
6 for lien is properly filed under par. (a) shall record the claim on the judgment and lien  
7 docket in the same manner as a claim of lien is recorded under s. 779.07.

8 **(3) ENFORCEMENT AND RELEASE.** Chapter 846 applies to an action to enforce a  
9 lien provided under this section. A claim for lien properly filed under sub. (2) (a) may  
10 be released under the procedure specified in s. 779.08.

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**(END)**