

## Who Can File Construction Liens in Wisconsin?

When looking at mechanic lien laws across the country, one of the critical questions any potential lien claimant must ask themselves is this: Do I have lien rights under the applicable state law?

The answer, unfortunately, can sometimes be complex. And yes, we've said it before and will say it again, these laws vary greatly state-by-state.

I have high compliments for Diane Dennis ([@DianeDennis](#)) who runs [The Contractors Group](#), as she just recently published two articles about this "who can lien" question as it relates to projects in Wisconsin.

### [Can A Construction Lien Be Filed in Wisconsin by an Equipment Rental Company?](#)

This is an interesting question, because more than any other group in the construction industry, the lien protections (or lack thereof) vary from state to state for those who rent construction equipment. The reason why goes all the way back to the *theory* of construction liens.

Construction liens are a creature of statute that are created to protect companies who invest materials and labor into a building's improvement. The idea is that if you don't get paid for those materials and labor, you should have an actual interest in the item your labor/materials created.

Applying that theory to rental equipment, providing lien rights doesn't make sense. After all, the rental equipment company gets that equipment right back. So, why would they have an interest in the property itself?

Honestly, there are arguments on both sides, and I tend to side with the rental equipment industry, thinking they should have lien rights. Not every state agrees. The article from Diane Dennis addresses how Wisconsin answers that question.

[Read it now.](#)

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## [Who Has The Right To A Construction Lien in Wisconsin?](#)

So, after the above article addressing the rental equipment industry in particular, Diane Dennis turns to the broader question of who has lien rights in general in the state.

Again, every state has different rules. In some states, absolutely everyone down the construction chain has the right to lien. In others, they draw the line at the second or third tier of subs and suppliers. Check out Diane's article to learn more about who has the right to lien in Wisconsin. I'll give you a hint...it is based on Wis. Stat. § 799.03, which provides:

Any person who performs, furnishes or procures any work, labor, service, materials, plans or specifications used or consumed for the improvement of land...

### **Related articles:**

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