



NCS
Securing Your Tomorrow

Does a Material Supplier to Material Supplier Have Mechanic's Lien/Bond Claim Rights?

The publisher is not engaged in rendering legal advice. Action required in perfecting a claim varies from state to state and from case to case. Often, a lien or bond claim may be questionable, but may prompt payment. NCS recommends retaining an attorney for each case.

Does a Material Supplier to a Material Supplier Have Lien Rights?	
Private Projects	
AL	No
AK	Unlikely
AZ	Unlikely
AR	Maybe (It is unclear)
CA	Unlikely
CO	Unlikely
CT	Maybe (more likely if MS to MS to owner or GC)
DC	Unlikely
DE	Unlikely
FL	No
GA	Unlikely
HI	Unclear
ID	Unclear (more likely if MS to MS to owner or GC)
IL	Likely
IN	Unlikely
IA	Likely
KS	MS to MS to owner or GC - Maybe
KY	Unlikely
LA	Unlikely
ME	Maybe (more likely if MS to MS to owner or GC)
MD	Unclear
MA	Unclear - may have rights
MI	Unlikely
MN	Maybe
MS	Unlikely
MO	Maybe
MT	Likely
NE	Unlikely
NV	Maybe

Does a Material Supplier to a Material Supplier Have Bond Claim Rights?	
Public Projects	
AL	Unlikely
AK	Unclear
AZ	Unlikely
AR	Unlikely (Bond may provide broader coverage)
CA	Unlikely
CO	Unlikely
CT	Maybe (more likely if MS to MS to GC)
DC	Unlikely
DE	Unlikely
FL	No
GA	Likely
HI	Unlikely
ID	Unclear
IL	Likely
IN	Unlikely
IA	No
KS	Unlikely
KY	Unlikely
LA	Unlikely
ME	Unlikely (more likely if MS to MS to GC)
MD	Unlikely
MA	Unlikely
MI	MS to MS to GC may have rights
MN	Unlikely
MS	Unlikely
MO	Unlikely
MT	Likely
NE	Unlikely
NV	Unlikely

Does a Material Supplier to a Material Supplier Have Lien Rights?	
Private Projects	
NH	Unlikely (more likely if MS to MS to owner or possibly GC)
NJ	Unlikely
NM	Unlikely
NY	Unlikely
NC	Likely
ND	Maybe
OH	Unlikely (more likely if MS to MS to owner)
OK	Maybe
OR	Maybe
PA	No
RI	Likely (more likely if MS to MS to GC or 1st tier sub)
SC	Unlikely (more likely if MS to MS to owner)
SD	Maybe (more likely if MS to MS to owner or GC)
TN	Maybe
TX	Likely
UT	Likely
VT	Maybe
VA	Maybe (more likely if MS to MS to owner or GC)
WA	No
WV	Unlikely
WI	Maybe
WY	Unlikely

Does a Material Supplier to a Material Supplier Have Bond Claim Rights?	
Public Projects	
NH	Unlikely
NJ	Unlikely
NM	Unlikely
NY	Unlikely (unless bond expands coverage)
NC	Likely
ND	Unlikely
OH	Unlikely (more likely if MS to MS to GC)
OK	Likely
OR	Maybe
PA	Unlikely (more likely if MS to MS to GC)
RI	Likely (more likely if MS to MS to GC)
SC	Unlikely (more likely if MS to MS to GC)
SD	Maybe (more likely if MS to MS to GC)
TN	Unlikely (maybe if MS to MS to GC)
TX	Likely
UT	Likely
VT	Maybe (Bond may provide broader coverage)
VA	Unlikely
WA	No
WV	Unlikely
WI	Maybe - see bond (more likely if MS to MS to GC)
WY	Maybe
Federal	No

Additional Notes

- The above guideline assumes that timely notices were served, that parties are licensed, as required, and that the claimant is not otherwise too remote.
- Remote claimants must be able to prove delivery, and sometimes incorporation, to the project.
- The language of a payment bond may sometimes expand coverage. Whether or not the bond controls varies by state.
- In some instances, a material supplier who is responsible for a large portion of the project may be considered a subcontractor.