

SENATE BILL 323

N1

5lr2293
CF 5lr1667

By: **Senator Bates**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Mechanics' Liens – Design Services**

3 FOR the purpose of establishing that, if the owner of certain land or the owner's agent
4 contracts for the provision of certain services, the land and any improvements are
5 subject to the establishment of a mechanics' lien for the payment of all debts, without
6 regard to the amount, contracted for work done and materials furnished for or about
7 a building, whether or not a building on the land is erected, repaired, rebuilt, or
8 improved; repealing a requirement that a building be erected or repaired, rebuilt, or
9 improved to the extent of a certain percentage of its value in order to be subject to
10 the establishment of a mechanics' lien for the provision of certain services; and
11 generally relating to mechanics' liens.

12 BY repealing and reenacting, with amendments,
13 Article – Real Property
14 Section 9–102
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2014 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Real Property**

20 9–102.

21 (a) Every building erected and every building repaired, rebuilt, or improved to
22 the extent of 15 percent of its value is subject to establishment of a lien in accordance with
23 this subtitle for the payment of all debts, without regard to the amount, contracted for work
24 done for or about the building and for materials furnished for or about the building,
25 including the drilling and installation of wells to supply water, the construction or
26 installation of any swimming pool or fencing, the sodding, seeding or planting in or about

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the premises of any shrubs, trees, plants, flowers or nursery products, the grading, filling,
2 landscaping, and paving of the premises, [the provision of building or landscape
3 architectural services, engineering services, land surveying services, or interior design
4 services that pertain to interior construction and are provided by a certified interior
5 designer,] and the leasing of equipment, with or without an operator, for use for or about
6 the building or premises.

7 (b) If the owner of land or the owner's agent contracts for the installation of
8 waterlines, sanitary sewers, storm drains, or streets to service all lots in a development of
9 the owner's land, each lot and its improvements, if any, are subject, on a basis pro rata to
10 the number of lots being developed, to the establishment of a lien as provided in subsection
11 (a) of this section for all debts for work and material in connection with the installation.

12 (c) Any machine, wharf, or bridge erected, constructed, or repaired within the
13 State may be subjected to a lien in the same manner as a building is subjected to a lien in
14 accordance with this subtitle.

15 **(D) IF THE OWNER OF LAND OR THE OWNER'S AGENT CONTRACTS FOR THE**
16 **PROVISION OF BUILDING OR LANDSCAPE ARCHITECTURAL SERVICES, ENGINEERING**
17 **SERVICES, LAND SURVEYING SERVICES, OR INTERIOR DESIGN SERVICES THAT**
18 **PERTAIN TO INTERIOR CONSTRUCTION AND ARE PROVIDED BY A CERTIFIED**
19 **INTERIOR DESIGNER, THE LAND AND ITS IMPROVEMENTS, IF ANY, ARE SUBJECT TO**
20 **ESTABLISHMENT OF A LIEN IN ACCORDANCE WITH THIS SUBTITLE FOR THE**
21 **PAYMENT OF ALL DEBTS, WITHOUT REGARD TO THE AMOUNT, CONTRACTED FOR**
22 **WORK DONE AND FOR MATERIALS FURNISHED FOR OR ABOUT A BUILDING,**
23 **WHETHER OR NOT A BUILDING ON THE LAND IS ERECTED, REPAIRED, REBUILT, OR**
24 **IMPROVED.**

25 **[(d)] (E)** However, a building or the land on which the building is erected may
26 not be subjected to a lien under this subtitle if, prior to the establishment of a lien in
27 accordance with this subtitle, legal title has been granted to a bona fide purchaser for value.

28 **[(e)] (F)** The filing of a petition under § 9-105 shall constitute notice to a
29 purchaser of the possibility of a lien being perfected under this subtitle.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2015.