

HOUSE BILL 768

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1999 Regular Session
9r2032
CF 9r2267

By: **Delegate Kach (By Request)**

Introduced and read first time: February 12, 1999

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Mechanics' Liens - Notice to Purchaser**

3 FOR the purpose of clarifying that the filing of a certain petition constitutes notice to
4 a purchaser of real property of the possibility of a mechanics' lien being
5 perfected, even if equitable title has passed to the purchaser; providing for the
6 application of this Act; and generally relating to the notice requirements for
7 mechanics' liens.

8 BY repealing and reenacting, with amendments,
9 Article - Real Property
10 Section 9-102
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1998 Supplement)

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

15 **Article - Real Property**

16 9-102.

17 (a) Every building erected and every building repaired, rebuilt, or improved to
18 the extent of 15 percent of its value is subject to establishment of a lien in accordance
19 with this subtitle for the payment of all debts, without regard to the amount,
20 contracted for work done for or about the building and for materials furnished for or
21 about the building, including the drilling and installation of wells to supply water, the
22 construction or installation of any swimming pool or fencing, the sodding, seeding or
23 planting in or about the premises of any shrubs, trees, plants, flowers or nursery
24 products, the grading, filling, landscaping, and paving of the premises, and the
25 leasing of equipment, with or without an operator, for use for or about the building or
26 premises.

27 (b) If the owner of land or the owner's agent contracts for the installation of
28 waterlines, sanitary sewers, storm drains, or streets to service all lots in a
29 development of the owner's land, each lot and its improvements, if any, are subject, on

1 a basis pro rata to the number of lots being developed, to the establishment of a lien
2 as provided in subsection (a) of this section for all debts for work and material in
3 connection with the installation.

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

7 (d) However, a building or the land on which the building is erected may not
8 be subjected to a lien under this subtitle if, prior to the establishment of a lien in
9 accordance with this subtitle, legal title has been granted to a bona fide purchaser for
10 value.

11 (e) The filing of a petition under § 9-105 shall constitute notice to a purchaser
12 of the possibility of a lien being perfected under this subtitle, EVEN IF EQUITABLE
13 TITLE HAS PASSED TO THE PURCHASER.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
15 construed only prospectively and may not be applied or interpreted to have any effect
16 on or application to any petitions for mechanics' liens filed before the effective date of
17 this Act.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1999.