
By: **Senator Hooper**
Introduced and read first time: February 5, 1999
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Electricians, Plumbers, and Home Improvement Contractors - Mechanics'**
3 **Liens**

4 FOR the purpose of authorizing licensed electricians, plumbers, and home
5 improvement contractors to establish a mechanics' lien on certain property,
6 regardless of the value of the property, if the owner of the property fails to pay
7 the cost of a repair in accordance with the terms of an applicable contract and
8 the cost of the repair is a certain amount or more; and generally relating to the
9 establishment of a certain lien on certain property.

10 BY repealing and reenacting, without amendments,
11 Article - Real Property
12 Section 9-101
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1998 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Real Property
17 Section 9-102
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1998 Supplement)

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

22 **Article - Real Property**

23 9-101.

24 (a) In this subtitle the following words have the meanings indicated.

25 (b) "Building" includes any unit of a nonresidential building that is leased or
26 separately sold as a unit.

1 (c) "Contract" means an agreement of any kind or nature, express or implied,
2 for doing work or furnishing material, or both, for or about a building as may give rise
3 to a lien under this subtitle.

4 (d) "Contractor" means a person who has a contract with an owner.

5 (e) "Land" means the land to which a lien extends under this subtitle or the
6 land within the boundaries established by proceedings in accordance with the
7 Maryland Rules. "Land" includes the improvements to the land.

8 (f) "Owner" means the owner of the land except that, when the contractor
9 executes the contract with a tenant for life or for years, "owner" means the tenant.

10 (g) "Subcontractor" means a person who has a contract with anyone except the
11 owner or his agent.

12 9-102.

13 (a) (1) [Every] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EVERY
14 building erected and every building repaired, rebuilt, or improved to the extent of 15
15 percent of its value is subject to establishment of a lien in accordance with this
16 subtitle for the payment of all debts, without regard to the amount, contracted for
17 work done for or about the building and for materials furnished for or about the
18 building, including the drilling and installation of wells to supply water, the
19 construction or installation of any swimming pool or fencing, the sodding, seeding or
20 planting in or about the premises of any shrubs, trees, plants, flowers or nursery
21 products, the grading, filling, landscaping, and paving of the premises, and the
22 leasing of equipment, with or without an operator, for use for or about the building or
23 premises.

24 (2) REGARDLESS OF THE VALUE OF A BUILDING, AN ELECTRICIAN
25 LICENSED UNDER THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, A
26 PLUMBER LICENSED UNDER THE BUSINESS OCCUPATIONS AND PROFESSIONS
27 ARTICLE, AND A HOME IMPROVEMENT CONTRACTOR LICENSED UNDER THE
28 BUSINESS REGULATION ARTICLE MAY ESTABLISH A LIEN ON THE BUILDING IF:

29 (I) THE OWNER OF THE BUILDING FAILS TO PAY THE COST OF A
30 REPAIR TO THE BUILDING IN ACCORDANCE WITH THE TERMS OF AN APPLICABLE
31 CONTRACT; AND

32 (II) THE COST OF THE REPAIR IS \$2,000 OR MORE.

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

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

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

8 (e) The filing of a petition under § 9-105 shall constitute notice to a purchaser
9 of the possibility of a lien being perfected under this subtitle.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 1999.