
By: **Delegate Dembrow**

Introduced and read first time: January 11, 2002

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law - Artisan's Lien - Notice and Sale Requirements for**
3 **Prepaid Goods**

4 FOR the purpose of prohibiting an artisan who has possession of goods for certain
5 services from selling the goods, for a certain period of time, if the owner has
6 prepaid for the costs of the work done; requiring a certain notice to be posted
7 about sale of the goods; altering a certain provision relating to the application of
8 sale proceeds; authorizing a dry cleaner or launderer to dispose of goods, for
9 which the owner has prepaid the costs of the work done, in any manner under
10 certain circumstances; making technical changes; and generally relating to the
11 sale of goods in the possession of an artisan for service.

12 BY repealing and reenacting, with amendments,
13 Article - Commercial Law
14 Section 16-302
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2001 Supplement)

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

19 **Article - Commercial Law**

20 16-302.

21 (a) Any artisan who, with the consent of the owner, has possession of goods for
22 repair, mending, improving, dry cleaning, laundering, or other work which includes
23 storage of goods in the case of a dry cleaner or launderer, has a lien on the goods for
24 the costs of the work done.

25 (b) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF [If]
26 the costs which give rise to the lien are due and unpaid 90 days after the work is
27 completed or in the case of a dry cleaner or launderer goods are due to be retrieved
28 from storage, the artisan may sell the goods to which the lien attaches at public or
29 private sale.

1 (II) IF THE OWNER HAS PREPAID FOR THE COSTS OF THE WORK
2 DONE, THE ARTISAN MAY NOT SELL THE GOODS FOR WHICH PREPAYMENT HAS BEEN
3 MADE UNTIL 120 DAYS AFTER THE WORK IS COMPLETED OR THE GOODS ARE DUE TO
4 BE RETRIEVED FROM STORAGE.

5 (2) The artisan, launderer, or dry cleaner shall post a notice in a
6 conspicuous place on the premises to the effect that clothing must be retrieved in 90
7 days, OR 120 DAYS IF THE COSTS OF THE WORK HAVE BEEN PREPAID, or it will be
8 subject to sale, after notice.

9 (c) The artisan shall give at least 30 days notice before any sale or disposal to
10 the owner by mailing the notice to the owner at his last known address. If the owner's
11 address is unknown, the notice may be given by:

12 (1) Posting it on the door of the courthouse or on a bulletin board in the
13 immediate vicinity of the door of the courthouse of the county in which the work was
14 done;

15 (2) Publishing it once a week for two successive weeks in one or more
16 newspapers of general circulation in the county in which the work was done; or

17 (3) (i) Posting it at the artisan's place of business in a plain and
18 prominent manner, provided that the notice is imprinted on a sign that is clearly
19 visible and states that the goods may be sold on or after 90 days from the day the
20 work is completed; and

21 (ii) Imprinting the notice on the receipt or invoice given to the
22 owner or the owner's agent.

23 (d) (1) The proceeds of the sale shall be applied, in the following order, to:

24 (i) The expenses of the sale; and

25 (ii) The amount of the lien claim, IF ANY.

26 (2) After application of the proceeds in accordance with paragraph (1) of
27 this subsection, any remaining balance shall be paid to the owner of the goods.

28 (e) As an alternative to SUBSECTIONS (b) and (c) [above] OF THIS SECTION, if
29 the costs which give rise to the lien are due and unpaid 6 months after dry-cleaned or
30 laundered goods are due to be retrieved from storage, OR IF THE OWNER HAS
31 PREPAID THE COSTS OF THE WORK DONE AND HAS NOT RETRIEVED THE GOODS IN 6
32 MONTHS, the dry cleaner or launderer may dispose of the goods in any manner. The
33 artisan, launderer, or dry cleaner shall post a notice in a conspicuous place on the
34 premises to the effect that clothing must be retrieved in 6 months or the goods may be
35 disposed of.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 2002.