
By: **Delegate Dembrow**
Introduced and read first time: January 11, 2002
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 12, 2002

CHAPTER _____

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 by~~
10 ~~donating the goods to certain tax-exempt organizations under certain~~
11 ~~circumstances; requiring a dry cleaner or launderer to give certain notice to~~
12 ~~owners of dry-cleaned or laundered goods under certain circumstances; making~~
13 ~~technical changes; and generally relating to the sale disposal of goods in the~~
14 ~~possession of an artisan a dry cleaner or launderer for service.~~

15 BY repealing and reenacting, with amendments,
16 Article - Commercial Law
17 Section 16-302
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2001 Supplement)

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

1

Article - Commercial Law

2 16-302.

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

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

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

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

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

23 (1) Posting it on the door of the courthouse or on a bulletin board in the
24 immediate vicinity of the door of the courthouse of the county in which the work was
25 done;

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

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

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

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

35 (i) The expenses of the sale; and

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

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

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

11 (F) WHEN LAUNDERING OR DRY CLEANING SERVICES ARE PREPAID BUT THE
12 LAUNDERED OR DRY-CLEANED GOODS HAVE NOT BEEN RETRIEVED IN 6 MONTHS,
13 THE LAUNDERER OR DRY CLEANER MAY DISPOSE OF THE GOODS BY DONATING THE
14 PROPERTY TO A LOCAL ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER §
15 501(C)(3) OF THE INTERNAL REVENUE CODE, IF THE LAUNDERER OR DRY CLEANER:

16 (1) HAS POSTED A NOTICE IN A CONSPICUOUS PLACE ON THE PREMISES
17 TO THE EFFECT THAT CLOTHING MUST BE RETRIEVED IN 6 MONTHS OR IT WILL BE
18 SUBJECT TO DISPOSAL, AFTER NOTICE; AND

19 (2) (I) MAILS WRITTEN NOTICE OF THE DISPOSAL TO THE LAST
20 KNOWN ADDRESS OF THE OWNER AT LEAST 30 DAYS BEFORE DISPOSING OF THE
21 GOODS; OR

22 (II) IF THE OWNER'S ADDRESS IS UNKNOWN, ATTEMPTS TO
23 PROVIDE ORAL NOTICE OF THE DISPOSAL BY CALLING THE OWNER AT THE OWNER'S
24 LAST KNOWN TELEPHONE NUMBER AT LEAST 30 DAYS BEFORE DISPOSING OF THE
25 GOODS.

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