

HOUSE BILL 1182

N1

71r3074

By: **Delegate Holmes**

Introduced and read first time: February 20, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 5, 2007

Committee Report: Favorable

House action: Adopted

Read second time: March 21, 2007

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Mechanics’ Lien – Land Surveying**

3 FOR the purpose of authorizing a surveyor to establish a mechanics’ lien for debts in
4 connection with land surveying services without regard to whether a building
5 has been erected, repaired, rebuilt, or improved on the property; and generally
6 relating to the establishment of a mechanics’ lien.

7 BY repealing and reenacting, with amendments,
8 Article – Real Property
9 Section 9–102
10 Annotated Code of Maryland
11 (2003 Replacement Volume and 2006 Supplement)

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

14 **Article – Real Property**

15 9–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) Every building erected and every building repaired, rebuilt, or improved
2 to the extent of 15 percent of its value is subject to establishment of a lien in
3 accordance with this subtitle for the payment of all debts, without regard to the
4 amount, contracted for work done for or about the building and for materials furnished
5 for or about the building, including the drilling and installation of wells to supply
6 water, the construction or installation of any swimming pool or fencing, the sodding,
7 seeding or planting in or about the premises of any shrubs, trees, plants, flowers or
8 nursery products, the grading, filling, landscaping, and paving of the premises, the
9 provision of building or landscape architectural services, engineering services, or land
10 surveying services, and the leasing of equipment, with or without an operator, for use
11 for or about the building or premises.

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

18 (c) **IF THE OWNER OF LAND OR THE OWNER'S AGENT CONTRACTS FOR**
19 **LAND SURVEYING SERVICES, THE LAND AND ITS IMPROVEMENTS, IF ANY, ARE**
20 **SUBJECT TO THE ESTABLISHMENT OF A LIEN:**

21 (1) **IN ACCORDANCE WITH THIS SUBTITLE FOR THE PAYMENT OF**
22 **ALL DEBTS FOR WORK IN CONNECTION WITH THE SURVEYING; AND**

23 (2) **WITHOUT REGARD TO WHETHER A BUILDING HAS BEEN**
24 **ERECTED, REPAIRED, REBUILT, OR IMPROVED.**

25 (D) Any machine, wharf, or bridge erected, constructed, or repaired within
26 the State may be subjected to a lien in the same manner as a building is subjected to a
27 lien in accordance with this subtitle.

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.