

# HOUSE BILL 26

N1  
HB 1182/07 – ENV

(PRE-FILED)

8lr0872

---

By: **Delegate Holmes**

Requested: October 11, 2007

Introduced and read first time: January 9, 2008

Assigned to: Environmental Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Mechanic’s Lien – Land Surveying**

3 FOR the purpose of authorizing a surveyor to establish a mechanic’s 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 mechanic’s 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 2007 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.

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 surveying services, and the leasing of equipment, with or without an operator, for use  
2 for or about the building or premises.

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

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

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

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

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2008.