

HOUSE BILL 26

N1

8lr0872

HB 1182/07 – ENV

(PRE-FILED)

By: **Delegate Holmes**

Requested: October 11, 2007

Introduced and read first time: January 9, 2008

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2008

CHAPTER _____

1 AN ACT concerning

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

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

8 BY repealing and reenacting, with amendments,
9 Article – Real Property
10 Section 9–102
11 Annotated Code of Maryland
12 (2003 Replacement Volume and 2007 Supplement)

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

15 **Article – Real Property**

16 9–102.

17 (a) Every building erected and every building repaired, rebuilt, or improved
18 to the extent of 15 percent of its value is subject to establishment of a lien in
19 accordance with this subtitle for the payment of all debts, without regard to the
20 amount, contracted for work done for or about the building and for materials furnished

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 for or about the building, including the drilling and installation of wells to supply
2 water, the construction or installation of any swimming pool or fencing, the sodding,
3 seeding or planting in or about the premises of any shrubs, trees, plants, flowers or
4 nursery products, the grading, filling, landscaping, and paving of the premises, the
5 provision of building or landscape architectural services, engineering services, or land
6 surveying services, and the leasing of equipment, with or without an operator, for use
7 for or about the building or premises.

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

14 (c) **IF THE OWNER OF LAND ~~OR THE OWNER'S AGENT~~ CONTRACTS FOR**
15 **LAND SURVEYING SERVICES OR ENGINEERING SERVICES, THE LAND AND ITS**
16 **IMPROVEMENTS, IF ANY, ARE SUBJECT TO THE ESTABLISHMENT OF A LIEN TO**
17 **THE EXTENT OF 15 PERCENT OF THE ASSESSED VALUE OF THE LAND AND ITS**
18 **IMPROVEMENTS, IF ANY, AFTER THE SERVICES HAVE BEEN PERFORMED:**

19 (1) **IN ACCORDANCE WITH THIS SUBTITLE FOR THE PAYMENT OF**
20 **ALL DEBTS FOR ~~WORK IN CONNECTION WITH THE SURVEYING~~ THE LAND**
21 **SURVEYING SERVICES OR ENGINEERING SERVICES; AND**

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

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

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

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

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