

SENATE SUBSTITUTE TO HB 434:

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia
 2 Annotated, relating to liens of mechanics and materialmen, so as to provide that special liens
 3 include the amount due pursuant to an express or implied contract and interest on such
 4 amount; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated,
 8 relating to liens of mechanics and materialmen, is amended by revising Code Section
 9 44-14-361, relating to creation of liens and property to which lien attaches, as follows:

10 "44-14-361.

11 (a) The following persons shall each have a special lien on the real estate, factories,
 12 railroads, or other property for which they furnish labor, services, or materials:

13 (1) All mechanics of every sort who have taken no personal security for work done and
 14 material furnished in building, repairing, or improving any real estate of their employers;

15 (2) All contractors, all subcontractors and all materialmen furnishing material to
 16 subcontractors, and all laborers furnishing labor to subcontractors, materialmen, and
 17 persons furnishing material for the improvement of real estate;

18 (3) All registered architects furnishing plans, drawings, designs, or other architectural
 19 services on or with respect to any real estate;

20 (4) All registered foresters performing or furnishing services on or with respect to any
 21 real estate;

22 (5) All registered land surveyors and registered professional engineers performing or
 23 furnishing services on or with respect to any real estate;

24 (6) All contractors, all subcontractors and materialmen furnishing material to
 25 subcontractors, and all laborers furnishing labor for subcontractors for building factories,
 26 furnishing material for factories, or furnishing machinery for factories;

27 (7) All machinists and manufacturers of machinery, including corporations engaged in
28 such business, who may furnish or put up any mill or other machinery in any county or
29 who may repair the same;

30 (8) All contractors to build railroads; and

31 (9) All suppliers furnishing rental tools, appliances, machinery, or equipment for the
32 improvement of real estate.

33 (b) Each special lien specified in subsection (a) of this Code section may attach to the real
34 estate of the owner for which the labor, services, or materials are furnished if they are
35 furnished at the instance of the owner, contractor, or some other person acting for the
36 owner or contractor and shall include the value of work done and materials furnished in any
37 easement or public right of way adjoining said real estate if the work done or materials
38 furnished in the easement or public right of way is for the benefit of said real estate and is
39 within the scope of the owner's contract for improvements to said real estate.

40 (c) Each special lien specified in subsection (a) of this Code section shall include the
41 amount due and owing the lien claimant under the terms of its express or implied contract,
42 subcontract, or purchase order subject to subsection (e) of Code Section 44-14-361.1.

43 (d) Each special lien specified in subsection (a) of this Code section shall include interest
44 on the principal amount due in accordance with Code Section 7-4-2 or 7-4-16."

45 **SECTION 2.**

46 All laws and parts of laws in conflict with this Act are repealed.