

House Bill 434

By: Representatives Weldon of the 3<sup>rd</sup>, Willard of the 51<sup>st</sup>, and Jacobs of the 80<sup>th</sup>

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 and interest on such amount; to provide for related matters; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**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:

41 (1) The amount due and owing the lien claimant under the terms of its contract,  
 42 subcontract, or purchase order; or

43 (2) In the absence of a contract, subcontract, or purchase order, the unpaid value of the  
 44 labor, materials, and services provided by the lien claimant for the improvement of the  
 45 real estate.

46 Such lien shall include interest on the principal amount due in accordance with applicable  
 47 law."

48 **SECTION 2.**

49 All laws and parts of laws in conflict with this Act are repealed.