COMMITTEE REPORT

February 18, 2009

**H. 3187**

Introduced by Rep. Chalk

S. Printed 2/18/09--H.

Read the first time January 13, 2009.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3187) to amend the Code of Laws of South Carolina, 1976, by adding Section 29‑5‑26 so as to define the term “landscape service” and to provide, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

WILLIAM E. SANDIFER for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29‑5‑26 SO AS TO DEFINE THE TERM “LANDSCAPE SERVICE” AND TO PROVIDE that A person who provides a landscape service on a parcel or real estate by virtue of an agreement with the owner of the real estate, and to whom a debt is due for his performance of the landscapING service, has a MECHANICS’ lien ON the real estate to secure payment of debt due to him.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 5, Title 29 of the 1976 Code is amended by adding:

“Section 29‑5‑26. (A) A person who provides a landscape service on a parcel of real estate by virtue of a written agreement with the owner of the real estate that exceeds fifteen thousand dollars, and to whom a debt is due for his performance of the landscaping service, has a mechanics’ lien on the real estate to secure payment of debt due to him as provided by Section 29‑5‑10 and Section 29‑5‑20. The lien is on the land and a building, structure, or other improvement on the land.

(B) As used in this chapter, a landscape service includes:

(1) land clearing, grading, filling, plant removal, natural obstruction removal, or other preparation of land;

(2) the installation of a landscaping item including plant material, mulch, paving, walkway, swimming pool, fountain, retaining wall, bulkhead, deck, patio, lightscaping system, irrigation system, drainage structure, drainage system, underground utility, or other feature incidental and necessary to a landscape plan and or site design;

(3) or both.

A landscaping service does not depend on whether the service is related to the construction, erection, alteration, or repair of a building or other structure.”

SECTION 2. This act takes effect upon approval by the Governor.

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