~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 12, 2012

**S. 1221**

Introduced by Senators O’Dell and Ford

S. Printed 4/12/12--S.

Read the first time February 15, 2012.

**THE COMMITTEE ON BANKING AND INSURANCE**

To whom was referred a Bill (S. 1221) to amend Section 29‑5‑90, Code of Laws of South Carolina, 1976, relating to the dissolution of a mechanic’s lien upon the failure of a certain event, etc., respectfully

**REPORT:**

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

DAVID L. THOMAS for Committee.

**A** **BILL**

TO AMEND SECTION 29‑5‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISSOLUTION OF A MECHANIC’S LIEN UPON THE FAILURE OF A CERTAIN EVENT TO OCCUR WITHIN A SPECIFIC TIME PERIOD, SO AS TO ADD A BASIS FOR BEGINNING THE RUNNING OF THIS TIME PERIOD, AND TO CORRECT ARCHAIC LANGUAGE.

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

SECTION 1. Section 29‑5‑90 of the 1976 Code is amended to read:

“Section 29‑5‑90. ~~Such a~~ A mechanic’s lien ~~shall~~ on a building or structure must be dissolved unless the person desiring to avail himself ~~thereof~~ of the lien, within ninety days after ~~he~~ tenant occupancy of the building or structure or within ninety days after the person ceases to labor on or furnish labor or materials for ~~such~~ the building or structure, serves upon the owner or, in the event the owner cannot be found, upon the person in possession and files in the office of the register of deeds or clerk of court of the county in which the building or structure is situated a statement of a just and true account of the amount due him, with all just credits given, together with a description of the property intended to be covered by the lien sufficiently accurate for identification, with the name of the owner of the property, if known, which certificate ~~shall~~ must be subscribed and sworn to by the person claiming the lien or by someone in his behalf and ~~shall~~ must be recorded in a book kept for the purpose by the register or clerk who shall be entitled to the same fees therefor as for recording mortgages of equal length. Provided, that in the event neither the owner nor the person in possession can be located after diligent search, and this fact is verified by affidavit of the sheriff or his deputy, the lien may be preserved by filing the statement together with the affidavit. The delivery on the register or clerk for filing, as provided in this section, ~~shall~~ must be and ~~constitute~~ constitutes the delivery contemplated with regard to such liens in Title 30 ~~of this Code~~.”

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

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