

HOUSE BILL No. 5438

January 14, 1992, Introduced by Rep. Porreca and referred to the Committee on Agriculture, Forestry and Minerals.

A bill to amend sections 35 and 43 of chapter 126 of the Revised Statutes of 1846, entitled "Of the lien of mechanics and others," being sections 570.185 and 570.193 of the Michigan Compiled Laws; and to add section 37a to chapter 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 35 and 43 of chapter 126 of the Revised
2 Statutes of 1846, being sections 570.185 and 570.193 of the
3 Michigan Compiled Laws, are amended and section 37a is added to
4 chapter 126 to read as follows:

5 Sec. 35. ~~Whenever any~~ IF A person ~~shall deliver~~
6 DELIVERS to any ~~mechanic, artisan, or tradesman,~~ PERSON any
7 ~~materials~~ MATERIAL or ~~articles~~ ARTICLE for the purpose of
8 constructing ~~in whole or in part,~~ or completing any furniture,
9 jewelry, implement, utensil, clothing, or other article of value,

1 or ~~shall deliver~~ DELIVERS to any person ~~any horse, mule, neat~~
2 ~~cattle, sheep, or swine~~ AN ANIMAL to be kept or cared for, ~~such~~
3 ~~mechanic, artisan, tradesman, or other~~ THAT person ~~shall have~~
4 HAS a lien ~~thereon~~ UPON THE MATERIALS OR ARTICLES OR ANIMAL for
5 the just value of the labor and skill applied ~~thereto~~ by him OR
6 HER, and for any materials which he OR SHE may have furnished in
7 the construction or completion ~~thereof~~ OF THE ARTICLE OF VALUE,
8 and for the keeping and care of ~~such~~ animals ENTRUSTED TO HIS
9 OR HER CARE, and may retain possession of the ~~same~~ MATERIALS OR
10 ARTICLES OR ANIMALS until ~~such~~ THE charges are paid.

11 SEC. 37A. A PERSON WHO BRINGS ANY ANIMAL TO ANOTHER PERSON
12 FOR THE PURPOSE OF BOARDING THAT ANIMAL SHALL PAY THE AGREED UPON
13 BOARDING FEE FOR THE ANIMAL. IF THE BOARD PAYMENT FALLS BEHIND
14 45 DAYS, THE PERSON OR FACILITY BOARDING THE ANIMAL SHALL SEND A
15 REGISTERED LETTER TO THE LAST KNOWN ADDRESS OF THE OWNER NOTIFY-
16 ING HIM OR HER THAT THE BOARDING FEES ARE AT LEAST 45 DAYS IN
17 ARREARS AND THAT THE ANIMAL WILL BE SOLD TO COVER ANY ARREARAGE
18 IF PAYMENT IN FULL IS NOT MADE WITHIN 15 DAYS. IF PAYMENT FOR
19 ALL BOARDING SERVICES IS NOT MADE WITHIN THE 15 DAYS, AND NOTICE
20 BY REGISTERED MAIL IS GIVEN AS REQUIRED IN THIS SECTION, THE
21 ANIMAL MAY BE SOLD AS PROVIDED IN SECTION 37 TO COVER THE COST OF
22 THE BOARD AND ANY OTHER ACTUAL AND REASONABLE CHARGES THAT MAY
23 HAVE OCCURRED DURING THE BOARDING. ANY ADDITIONAL MONEY RECOV-
24 ERED FROM THE SALE SHALL BE DISPOSED OF AS PROVIDED IN
25 SECTION 37.

26 Sec. 43. If the property upon which ~~any such~~ A lien
27 ~~shall be~~ IS enforced as provided in this chapter ~~, consists of~~

1 ~~horses, cattle, sheep, swine, or other beasts~~ IS AN ANIMAL, and
2 ~~any~~ expenses ~~shall~~ have been incurred by the person having
3 ~~such~~ THE lien after the ~~same~~ LIEN accrued, in keeping and
4 taking care of ~~such property~~ THE ANIMAL, the amount of ~~such~~
5 THE expenses shall be an additional lien upon the property, and
6 shall be computed and ascertained upon the trial, or assessment
7 of damages, and included in the judgment.