

HOUSE BILL No. 4358

February 19, 2009, Introduced by Reps. Kandrevas, Gregory, Meadows, Meltzer, Proos, Walsh, Marleau, Tyler and Roy Schmidt and referred to the Committee on Judiciary.

A bill to amend 1981 PA 155, entitled

"An act to provide for ownership rights in dies, molds, and forms for use in the fabrication of plastic parts under certain conditions and to establish a lien on certain dies, molds, and forms,"

by amending section 10c (MCL 445.620c), as added by 2002 PA 17.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10c. (1) If the proceeds of ~~the~~**A sale UNDER SECTION 10A**
2 are greater than the amount of the lien, the proceeds shall first
3 be paid to the moldbuilder in the amount necessary to satisfy the
4 lien **AND ANY INTEREST, ATTORNEY FEES, COURT COSTS, AND EXPENSES**
5 **AWARDED UNDER SUBSECTION (3)**. All proceeds in excess of the ~~lien~~
6 **AMOUNT PAID TO THE MOLDBUILDER** shall be paid to the customer.

7 (2) A sale shall not be made or possession shall not be
8 obtained under section 10a if it would be in violation of any right
9 of a customer or molder under federal patent, bankruptcy, or

1 copyright law.

2 (3) IF A MOLDBUILDER PREVAILS IN AN ACTION TO ENFORCE A
3 PERFECTED LIEN CREATED UNDER SECTION 9, THE COURT SHALL AWARD THE
4 MOLDBUILDER INTEREST UNDER SECTION 6455 OF THE REVISED JUDICATURE
5 ACT OF 1961, 1961 PA 236, MCL 600.6455, REASONABLE ATTORNEY FEES,
6 COURT COSTS, AND EXPENSES RELATED TO THE ENFORCEMENT OF THE LIEN
7 AND SALE.

8 Enacting section 1. This amendatory act does not take effect
9 unless all of the following bills of the 95th Legislature are
10 enacted into law:

11 (a) Senate Bill No.____ or House Bill No.____ (request no.
12 01522'09).

13 (b) Senate Bill No.____ or House Bill No. 4359 (request no.
14 01523'09).