

SENATE BILL NO. 1164

September 14, 2022, Introduced by Senator BUMSTEAD and referred to the Committee on Agriculture.

A bill to amend 1846 RS 126, entitled
"Of the lien of mechanics and others,"
by amending section 37 (MCL 570.187) and by adding section 37a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 37. ~~(1) In either of the cases mentioned in the 2~~
2 ~~preceding sections, Except as provided in section 37a,~~ if the owner
3 of **or the person entitled to** the property, materials, or stock ~~so~~
4 ~~delivered, or the person entitled thereto shall not, delivered~~
5 **under section 35 or 36 does not,** when ~~such the~~ article ~~shall have~~
6 ~~been~~ **is** constructed, completed, altered, fitted, or repaired, or
7 the time ~~having has~~ expired ~~for the keeping such to keep the~~

1 **article or stock**, and the ~~same being~~ **article or stock is** ready to
 2 be delivered to ~~such the~~ owner or other ~~persons,~~ **person**, and the
 3 charges ~~thereon shall be~~ **for the article or stock are** due and
 4 payable, pay to ~~such the~~ mechanic, artisan, tradesman, or other
 5 person the amount of ~~such the~~ charges, the person having ~~such the~~
 6 lien **under section 35 or 36** may enforce the **lien**. ~~same as~~
 7 ~~hereinafter provided: Provided, however, Any mechanic, artisan or~~
 8 ~~tradesman who shall make, clean, alter or repair any article of~~
 9 ~~personal property at the request of the owner or legal possessor of~~
 10 ~~property shall have a lien on such property so made, cleaned,~~
 11 ~~altered or repaired for his just and reasonable charges for work~~
 12 ~~done, and material furnished, and may hold and retain possession of~~
 13 ~~the same until such just and reasonable charges shall be paid, and~~
 14 ~~in default of payment may foreclose said lien, as hereinafter~~
 15 ~~provided. When~~

16 (2) **Except as provided in section 37a, if** any property ~~upon~~
 17 ~~which a mechanic, artisan, tradesman, or other person shall have~~
 18 **that has** a lien for unpaid charges under this act ~~shall remain~~
 19 **remains** in possession of a mechanic, artisan, tradesman, or other
 20 person without payment ~~and or~~ without ~~proceeding at law in~~
 21 ~~reference thereto,~~ **the mechanic, artisan, tradesman, or other**
 22 **person filing a suit under this act**, for a period of 9 months, ~~such~~
 23 **the** mechanic, artisan, tradesman, or other person may sell ~~such the~~
 24 property at public sale ~~upon like~~ **after providing** notice ~~and~~
 25 ~~proceeding as in the case of a constable sale on execution. as~~
 26 **required under this section.**

27 (3) Thirty days before the date of ~~said sale, such the~~ **sale**
 28 **under this section, the** mechanic, artisan, tradesman, or other
 29 person shall give notice of the time and place of ~~said the~~ sale and

the amount claimed ~~, by depositing the same in the postoffice with~~
~~postage prepaid and registered and addressed by~~ **registered mail** to
the last known address of the ~~said~~ owner or person who delivered
~~said-the~~ property to ~~such-the~~ mechanic, artisan, tradesman, or
other person. ~~and which-The~~ notice may be in substance as follows:

....., Michigan.

....., 19-20

~~John Smith,~~ **Name of the owner**
or person who delivered the
property,

..... Michigan.

You are ~~hereby~~ notified that I hold the property ~~hereinafter~~
described **in this notice** and claim a lien ~~upon-on~~ the ~~same~~ **property**
for work, ~~(and materials)-~~ **materials**, and expenses in connection
~~therewith,~~ **with the property** amounting to
dollars, and that I ~~shall~~ **will** offer ~~said-the~~ property for sale at
~~my place of business-the~~ **following location** (in the township of
.....), at number street, in
the city of, county of,
State of Michigan, on the day of, at
..... o'clock in the, ~~noon,~~ to satisfy the
amount of ~~my said-the~~ claim and expenses.

~~Said-The~~ property is described substantially as follows:

Signed,

.....

(4) ~~If such-Except~~ **as provided in section 37a, if the** owner or
other person ~~in his-on the owner's~~ behalf ~~shall~~ **does** not pay the
amount of ~~such-the~~ claim and charges before the advertised day of
sale, ~~said-the~~ property ~~shall thereupon~~ **must** be sold pursuant to

1 ~~said-the~~ notice of sale, to the highest bidder. ~~, and said-The~~
 2 mechanic, artisan, tradesman, or other person may ~~become-be~~ the
 3 purchaser. The proceeds of ~~such-the~~ sale ~~shall-must~~ be applied to
 4 the payment of ~~said-the~~ lien, costs, and expenses, and the balance,
 5 if any, ~~shall-must~~ be paid to the city or township clerk of the
 6 city or township where ~~such-the~~ sale takes place, for the benefit
 7 of ~~such-the~~ owner, and notice of ~~such-the~~ deposit ~~shall-must~~ be
 8 sent to ~~him-the~~ owner by registered mail.

9 Sec. 37a. (1) If an animal is abandoned in the care of a
 10 person and charges for the care of the animal are due to the
 11 person, the person shall have a lien against the animal under
 12 section 35.

13 (2) If a person gives notice under this section, the person in
 14 possession of the animal may sell the animal at a public sale after
 15 possessing the animal for 60 days without payment or the filing of
 16 a suit under this act.

17 (3) Thirty days before the date of the sale of an animal under
 18 this section, the person shall give notice of the time and place of
 19 the sale and the amount claimed by the person by registered mail to
 20 the last known address of the owner of the animal or to the person
 21 who delivered the animal under section 35. The form in section 37
 22 may be used to give notice under this subsection.

23 (4) If the owner, or another person on behalf of the owner,
 24 does not pay the amount of the claim before the advertised day of
 25 sale, the animal must be sold to the highest bidder. The person
 26 selling the animal may be the purchaser. The proceeds of the sale
 27 must be applied to the payment of the lien, costs, and expenses of
 28 keeping the animal. The remaining balance, if any, must be paid to
 29 the city or township clerk of the city or township where the sale

1 takes place.

2 (5) The city or township clerk under subsection (4) shall send
3 notice of the payment to the owner of the animal by registered
4 mail. If the owner does not collect the balance under subsection
5 (4) from the city or township clerk no later than 60 days after
6 notice is sent, the city or township clerk shall pay the balance to
7 the person that possessed the lien on the animal sold under this
8 section.

9 (6) As used in this section:

10 (a) "Abandoned" means an animal that is not picked up at the
11 agreed-upon time or paid for by the owner or a representative of
12 the owner after any of the following:

13 (i) The animal is delivered under section 35.

14 (ii) The animal is left in the care of a local government.

15 (iii) The animal is found and taken in by a local government.

16 (b) "Animal" means any horse, mule, neat cattle, sheep, or
17 swine.

18 (c) "Local government" means a county, city, township, or
19 village or any political subdivision of a county, city, township,
20 or village.

21 (d) "Person" means any individual, firm, partnership,
22 association, corporation, or local government.