

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 611

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO LIVESTOCK LIENS; AMENDING SECTION 45-805, IDAHO CODE, TO REVISE
2 PROVISIONS RELATING TO THE SALE OF CERTAIN LIVESTOCK AT PUBLIC AUCTION
3 AND TO REVISE PROVISIONS RELATING TO NOTICE OF PUBLIC AUCTION.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 45-805, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 45-805. LIENS FOR SERVICES ON OR CARING FOR PROPERTY. (a) Every person
9 who, while lawfully in possession of an article of personal property, ren-
10 ders any service to the owner thereof, by labor, or skill, employed for the
11 protection, improvement, safe keeping, or carriage thereof, has a special
12 lien thereon, dependent on possession, for the compensation, if any, which
13 is due him from the owner, for such service. If the liens as herein provided
14 are not paid within sixty (60) days after the work is done, service rendered
15 or materials supplied, the person in whose favor such special lien is cre-
16 ated may proceed to sell the property at a public auction after giving ten
17 (10) days' public notice of the sale by advertising in some newspaper pub-
18 lished in the county where the property is situated, or if there is no news-
19 paper published in the county then by posting notices of the sale in three
20 (3) of the most public places in the county for ten (10) days previous to such
21 sale. The person shall also send the notice of auction to the owner or owners
22 of the property and to the holder or holders of a perfected security interest
23 in the property as provided in subsection (c) of this section. The person who
24 is about to render any service to the owner of an article of personal prop-
25 erty by labor or skill employed for the protection, improvement, safekeeping
26 or carriage thereof may take priority over a prior perfected security inter-
27 est by, before commencing any such service, giving notice of the intention
28 to render such service to any holder of a prior perfected security interest
29 at least three (3) days before rendering such service. If the holder of the
30 security interest does not notify said person, within three (3) days that it
31 does not consent to the performance of such services, then the person render-
32 ing such service may proceed and the lien provided for herein shall attach to
33 the property as a superior lien. The provisions of this section shall not ap-
34 ply to a motor vehicle subject to the provisions of sections 49-1809 through
35 49-1818, Idaho Code.

36 (b) Livery or boarding or feed stable proprietors, and persons pastur-
37 ing livestock of any kind, have a lien, dependent on possession, for their
38 compensation in caring for, boarding, feeding or pasturing such livestock.
39 If the liens as herein provided are not paid within sixty (60) days after the
40 work is done, service rendered, or feed or pasturing supplied, the person in
41 whose favor such special lien is created may proceed to sell the property at a
42 ~~licensed public livestock auction market~~, after giving ten (10) days' notice

1 to the owner or owners of the livestock and the state brand inspector. The
2 information contained in such notice shall be verified and contain the fol-
3 lowing:

4 (1) The time, place and date of the ~~licensed~~ public ~~livestock~~ auction
5 ~~market~~;

6 (2) The name, address and phone number of the person claiming the lien;

7 (3) The name, address and phone number of the owner or owners of the
8 livestock upon which the lien has been placed;

9 (4) The number, breed and current brand of the livestock upon which the
10 lien has been placed; and

11 (5) A statement by the lienor that the requirements of this section have
12 been met.

13 (c) Notices provided in subsections (a) and (b) of this section shall
14 be made by personal service or by certified or registered mail to the last
15 known address of the owner or owners and any holder of a prior perfected secu-
16 rity interest. The proceeds of the sale must be applied to the discharge of
17 any prior perfected security interest, the lien created by this section and
18 costs; the remainder, if any, must be paid over to the owner.