

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 130

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO LIENS; AMENDING SECTION 45-805, IDAHO CODE, TO PROVIDE FOR LABOR  
AND MATERIAL LIENS ON MOTOR VEHICLES AND TO PROVIDE FORMS.

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

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

45-805. LIENS FOR SERVICES ON OR CARING FOR PROPERTY. (a) Every person  
who, while lawfully in possession of an article of personal property, ren-  
ders any service to the owner thereof, by labor, or skill, employed for the  
protection, improvement, safekeeping, or carriage thereof, has a special  
lien thereon, dependent on possession, for the compensation, if any, which  
is due him from the owner, for such service. If the liens as herein provided  
are not paid within sixty (60) days after the work is done, service rendered  
or materials supplied, the person in whose favor such special lien is cre-  
ated may proceed to sell the property at a public auction after giving ten  
(10) days' public notice of the sale by advertising in some newspaper pub-  
lished in the county where the property is situated, or if there is no news-  
paper published in the county then by posting notices of the sale in three  
(3) of the most public places in the county for ten (10) days previous to such  
sale. The person shall also send the notice of auction to the owner or owners  
of the property and to the holder or holders of a perfected security interest  
in the property as provided in subsection (c) of this section. The person who  
is about to render any service to the owner of an article of personal prop-  
erty by labor or skill employed for the protection, improvement, safekeeping  
or carriage thereof may take priority over a prior perfected security inter-  
est by, before commencing any such service, giving notice of the intention  
to render such service to any holder of a prior perfected security interest  
at least three (3) days before rendering such service. If the holder of the  
security interest does not notify said person, within three (3) days that it  
does not consent to the performance of such services, then the person ren-  
dering such service may proceed and the lien provided for herein shall at-  
tach to the property as a superior lien. The provisions of this section shall  
not apply to a motor vehicle subject to the provisions of sections 49-1809  
through 49-1818, Idaho Code. Every person has a lien, dependent upon pos-  
session, for the compensation to which he is legally entitled for making re-  
pairs or performing labor upon, and/or for the furnishing supplies or mate-  
rials for, and/or for the towing, storage, repair or safekeeping of, and/or  
for the rental of parking space for any vehicle of a type subject to registra-  
tion under title 49, Idaho Code, and upon the contents thereof. To claim the  
benefits of the provisions of this chapter a lien claimant shall, prior to  
making any repairs in excess of one hundred dollars (\$100), provide notice to  
the registered and legal owner of a motor vehicle of intended repairs, ser-

1 vice, or storage at the request of a person in lawful possession of the vehi-  
2 cle. The notice shall be substantially in the following form:

3 Notice is hereby given, in accordance with the provisions of . . . ., Idaho  
4 Code, that the undersigned, . . . . of . . . ., (address) has been requested by  
5 . . . ., of . . . ., . . . . (address) . . . ., . . . . (the registered owner, or agent  
6 thereof) . . . ., to . . . . (repair or as the case may be) the following described  
7 motor vehicle of which you are designated the registered or legal owner on  
8 the title: . . . . (specify year, make and model) . . . ., . . . . (vehicle identi-  
9 fication no.) . . . ., . . . . (license no.) . . . .

10 If appropriate, add: The repairs requested are as follows: . . . .

11 The undersigned intends to begin such . . . . (repairs or as the case may  
12 be) on approximately . . . ., . . . .

13 The approximate charges for the services requested will be \$ . . . ., and  
14 the undersigned will claim a lien on the vehicle for the actual amount of such  
15 charges.

16 In accordance with section 45-805, Idaho Code, the undersigned requests  
17 that you consent to the performance of . . . . (such repairs or as the case may  
18 be) by signing and returning the enclosed copy of this notice.

19 Dated . . . ., . . . .

20 \_\_\_\_\_  
21 \_\_\_\_\_ (Signature)

22 Consent

23 I hereby consent to the performance of the above described . . . . (re-  
24 pairs or as the case may be) .

25 Dated . . . ., . . . .

26 \_\_\_\_\_  
27 \_\_\_\_\_ (Signature of registered or legal owner)

28 To: . . . . (Name of registered and legal owner and addresses)

29 (b) Livery or boarding or feed stable proprietors, and persons pastur-  
30 ing livestock of any kind, have a lien, dependent on possession, for their  
31 compensation in caring for, boarding, feeding or pasturing such livestock.  
32 If the liens as herein provided are not paid within sixty (60) days after the  
33 work is done, service rendered, or feed or pasturing supplied, the person in  
34 whose favor such special lien is created may proceed to sell the property at  
35 a licensed public livestock auction market, or if the lien is on equines, to  
36 sell the animals at a sale offered to the public, after giving ten (10) days'  
37 notice to the owner or owners of the livestock and the state brand inspector.  
38 The information contained in such notice shall be verified and contain the  
39 following:

40 (1) The time, place and date of the licensed public livestock auction  
41 market, or in the case of equines, the time, place and date of the sale  
42 offered to the public;

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

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

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

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

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