

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 175

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SPECIAL LIENS REGARDING LIVESTOCK; AMENDING SECTION 45-805,
2 IDAHO CODE, TO PROVIDE THAT CERTAIN LIVESTOCK MAY BE SOLD AT A LICENSED
3 PUBLIC LIVESTOCK AUCTION MARKET, TO PROVIDE THAT CERTAIN EQUINES MAY BE
4 SOLD AT A SALE OFFERED TO THE PUBLIC, TO REVISE PROVISIONS RELATING TO
5 THE CONTENT OF REQUISITE NOTICE TO THE OWNER OR OWNERS OF THE LIVESTOCK
6 AND TO MAKE A TECHNICAL CORRECTION.
7

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

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

11 45-805. LIENS FOR SERVICES ON OR CARING FOR PROPERTY. (a) Every person
12 who, while lawfully in possession of an article of personal property, ren-
13 ders any service to the owner thereof, by labor, or skill, employed for the
14 protection, improvement, ~~safe keeping~~ safekeeping, or carriage thereof, has
15 a special lien thereon, dependent on possession, for the compensation, if
16 any, which is due him from the owner, for such service. If the liens as herein
17 provided are not paid within sixty (60) days after the work is done, service
18 rendered or materials supplied, the person in whose favor such special lien
19 is created may proceed to sell the property at a public auction after giv-
20 ing ten (10) days' public notice of the sale by advertising in some newspa-
21 per published in the county where the property is situated, or if there is
22 no newspaper published in the county then by posting notices of the sale in
23 three (3) of the most public places in the county for ten (10) days previous
24 to such sale. The person shall also send the notice of auction to the owner
25 or owners of the property and to the holder or holders of a perfected security
26 interest in the property as provided in subsection (c) of this section. The
27 person who is about to render any service to the owner of an article of per-
28 sonal property by labor or skill employed for the protection, improvement,
29 safekeeping or carriage thereof may take priority over a prior perfected se-
30 curity interest by, before commencing any such service, giving notice of the
31 intention to render such service to any holder of a prior perfected secu-
32 rity interest at least three (3) days before rendering such service. If the
33 holder of the security interest does not notify said person, within three (3)
34 days that it does not consent to the performance of such services, then the
35 person rendering such service may proceed and the lien provided for herein
36 shall attach to the property as a superior lien. The provisions of this sec-
37 tion shall not apply to a motor vehicle subject to the provisions of sections
38 49-1809 through 49-1818, Idaho Code.

39 (b) Livery or boarding or feed stable proprietors, and persons pastur-
40 ing livestock of any kind, have a lien, dependent on possession, for their
41 compensation in caring for, boarding, feeding or pasturing such livestock.
42 If the liens as herein provided are not paid within sixty (60) days after the

1 work is done, service rendered, or feed or pasturing supplied, the person in
2 whose favor such special lien is created may proceed to sell the property at
3 a licensed public livestock auction market, or if the lien is on equines, to
4 sell the animals at a sale offered to the public, after giving ten (10) days'
5 notice to the owner or owners of the livestock and the state brand inspector.
6 The information contained in such notice shall be verified and contain the
7 following:

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

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

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

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

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

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