

1 SENATE BILL NO. 181

2 INTRODUCED BY STEINBEISSER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT NONESSENTIAL ARTICLES OF PERSONAL
5 PROPERTY IN A VEHICLE ARE SUBJECT TO A LIEN FOR SERVICE, TOWING, AND STORAGE; DEFINING
6 "NONESSENTIAL PERSONAL PROPERTY"; AMENDING SECTION 71-3-1201, MCA; AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 71-3-1201, MCA, is amended to read:

12 **"71-3-1201. Who may have lien -- agisters' lien -- lien for service -- towing and storage lien.** (1) (a)
13 If there is an express or implied contract for keeping, feeding, herding, pasturing, or ranching stock, a rancher,
14 farmer, agister, herder, hotelkeeper, livery, stablekeeper, or reproductive technology business to whom any
15 horses, mules, cattle, sheep, hogs, or other stock are entrusted has a lien upon the stock for the amount due
16 for keeping, feeding, herding, pasturing, or ranching the stock or for providing a service listed in subsection (1)(b)
17 and may retain possession of the stock until the sum due is paid.

18 (b) If there is an express or implied contract for collecting, processing, packaging, or storing embryos
19 or semen from livestock provided for in this subsection (1), a reproductive technology business to whom
20 embryos or semen is entrusted and who still has possession has a lien upon the embryos or semen for the
21 amount due for collecting, processing, packaging, or storing the embryos or semen and may retain possession
22 of the embryos or semen until the sum due is paid.

23 (2) (a) Every person who, while lawfully in possession of an article of personal property, renders any
24 service to the owner or lawful claimant of the article by labor or skill employed for the making, repairing,
25 protection, improvement, safekeeping, carriage, towing, or storage of the article or who tows or stores the article
26 as directed under authority of law has a special lien on ~~it~~ the article, including any nonessential personal property
27 in a vehicle, if the article is a vehicle. The lien is dependent on possession and is for the compensation, if any,
28 that is due to the person from the owner or lawful claimant for the service and for material, if any, furnished in
29 connection with the service. If the service is towing or storage, the lien is for the reasonable cost of the towing
30 or storage.

1 (b) As used in subsection (2)(a), "nonessential personal property" means property that belongs to the
2 owner of a vehicle and that is not essential to the personal health or hygiene of the owner. THE TERM DOES NOT
3 INCLUDE MONEY, IN ANY FORM, IDENTIFICATION DOCUMENTS, OR WALLETS, PURSES, BAGS, OR SIMILAR ITEMS THAT ARE
4 GENERALLY USED TO CARRY MONEY OR DOCUMENTS. FOR PURPOSES OF SUBSECTION (2)(A), ALL PERSONAL PROPERTY
5 IN A VEHICLE IS PRESUMED TO BE THE PROPERTY OF THE OWNER OF THE VEHICLE UNLESS THERE IS EVIDENCE ON OR
6 ATTACHED TO AN ITEM OF PERSONAL PROPERTY INDICATING THAT IT BELONGS TO SOMEONE OTHER THAN THE OWNER OF
7 THE VEHICLE OR UNLESS THERE IS A SIGNED STATEMENT OF OWNERSHIP AS PROVIDED IN SUBSECTION (2)(C).

8 (C) A PERSON, OTHER THAN THE OWNER OF A VEHICLE SUBJECT TO A LIEN UNDER SUBSECTION (2)(A), WHO
9 CLAIMS OWNERSHIP OF AN ITEM OF PERSONAL PROPERTY IN THE VEHICLE MAY PROVIDE THE LIENHOLDER WITH A SIGNED
10 STATEMENT CONTAINING THE PERSON'S NAME, ADDRESS, AND PHONE NUMBER, A DESCRIPTION OF THE PERSONAL
11 PROPERTY, A STATEMENT THAT THE PERSON IS THE LAWFUL OWNER OF THE PERSONAL PROPERTY, AND A REQUEST FOR
12 RETURN OF THE PERSONAL PROPERTY. UPON RECEIPT OF THE SIGNED STATEMENT, THE LIENHOLDER SHALL RELEASE THE
13 PERSONAL PROPERTY TO THE PERSON SUBMITTING THE STATEMENT. THE SIGNED STATEMENT MUST BE TREATED AS A
14 STATEMENT UNDER OATH OR EQUIVALENT AFFIRMATION FOR THE PURPOSES OF 45-7-202, RELATING TO THE CRIMINAL
15 OFFENSE OF FALSE SWEARING. RECEIPT OF PROPERTY UNDER THIS SUBSECTION (2)(C) BY A PERSON WITH THE INTENT
16 TO DEPRIVE THE LAWFUL OWNER OF THE PROPERTY MUST BE TREATED AS THEFT UNDER 45-6-301."

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18 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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