

HOUSE BILL NO. 397
INTRODUCED BY J. WARD

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT ANY PERSONAL PROPERTY THAT IS IN A MOTOR VEHICLE THAT IS SUBJECT TO A LIEN FOR SERVICES, TOWING, OR STORAGE IS ALSO SUBJECT TO THE LIEN, EXCEPT FOR CERTAIN ITEMS SPECIFICALLY EXEMPTED FROM THE LIEN; AND AMENDING SECTION 71-3-1201, MCA."

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

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

"71-3-1201. Who may have lien -- agisters' lien -- lien for service -- towing and storage lien -- extension of lien to certain personal property contained in motor vehicle that is subject to a lien. (1) (a)

If there is an express or implied contract for keeping, feeding, herding, pasturing, or ranching stock, a rancher, farmer, agister, herder, hotelkeeper, livery, stablekeeper, or reproductive technology business to whom any horses, mules, cattle, sheep, hogs, or other stock are entrusted has a lien upon the stock for the amount due for keeping, feeding, herding, pasturing, or ranching the stock or for providing a service listed in subsection (1)(b) and may retain possession of the stock until the sum due is paid.

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

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

(b) Any personal property that is in a motor vehicle that is subject to a lien, as provided in subsection

(2)(a), is also subject to the lien, except for the following:

(i) food items;

(ii) perishable goods;

(iii) prescription items;

(iv) operators' licenses and other identifying documents;

(v) cash, credit cards, debit cards, checks, or checkbooks;

(vi) personal records, legal records, and business records;

(vii) child safety items; and

(viii) wallets, purses, bags, or other containers that contain the items listed in subsections (2)(b)(iv) through (2)(b)(vi)."

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