

# SENATE BILL NO. 733

February 28, 2024, Introduced by Senator BUMSTEAD and referred to the Committee on Natural Resources and Agriculture.

A bill to amend 1846 RS 126, entitled  
"Of the lien of mechanics and others,"  
by amending section 37 (MCL 570.187) and by adding section 37a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 37. ~~(1) In either of the cases mentioned in the 2~~  
2 ~~preceding sections, Except as provided in section 37a,~~ if the owner  
3 of **or the person entitled to** the property, materials, or stock ~~se~~  
4 ~~delivered, or the person entitled thereto shall not, delivered~~  
5 **under section 35 or 36 does not,** when ~~such the~~ article shall have  
6 ~~been is~~ constructed, completed, altered, fitted, or repaired, or  
7 the time ~~having has~~ expired ~~for the keeping such to keep the~~

1 **article or** stock, and the ~~same being~~ **article or stock is** ready to  
 2 be delivered to ~~such the~~ owner or other ~~persons,~~ **person,** and the  
 3 charges ~~thereon shall be~~ **for the article or stock are** due and  
 4 payable, pay to ~~such the~~ mechanic, artisan, tradesman, or other  
 5 person the amount of ~~such the~~ charges, the person having ~~such the~~  
 6 **lien under section 35 or 36** may enforce the **lien.** ~~same as~~  
 7 ~~hereinafter provided: Provided, however, Any mechanic, artisan or~~  
 8 ~~tradesman who shall make, clean, alter or repair any article of~~  
 9 ~~personal property at the request of the owner or legal possessor of~~  
 10 ~~property shall have a lien on such property so made, cleaned,~~  
 11 ~~altered or repaired for his just and reasonable charges for work~~  
 12 ~~done, and material furnished, and may hold and retain possession of~~  
 13 ~~the same until such just and reasonable charges shall be paid, and~~  
 14 ~~in default of payment may foreclose said lien, as hereinafter~~  
 15 ~~provided. When~~

16 **(2) Except as provided in section 37a, if** any property ~~upon~~  
 17 ~~which a mechanic, artisan, tradesman, or other person shall have~~  
 18 **that has** a lien for unpaid charges under this act ~~shall remain~~  
 19 **remains** in possession of a mechanic, artisan, tradesman, or other  
 20 person without payment ~~and or~~ without ~~proceeding at law in~~  
 21 ~~reference thereto,~~ **the mechanic, artisan, tradesman, or other**  
 22 **person filing a suit under this act,** for a period of 9 months, ~~such~~  
 23 **the** mechanic, artisan, tradesman, or other person may sell ~~such the~~  
 24 property at public sale ~~upon like~~ **after providing** notice and  
 25 ~~proceeding as in the case of a constable sale on execution. as~~  
 26 **required under this section.**

27 **(3)** Thirty days before the date of ~~said sale,~~ **such the sale**  
 28 **under this section,** the mechanic, artisan, tradesman, or other  
 29 person shall give notice of the time and place of ~~said the~~ sale and

1 the amount claimed ~~, by depositing the same in the postoffice with~~  
2 ~~postage prepaid and registered and addressed by~~ **registered mail** to  
3 the last known address of the ~~said~~ owner or person who delivered  
4 ~~said~~ **the** property to ~~such~~ **the** mechanic, artisan, tradesman, or  
5 other person. ~~and which~~ **The** notice may be in substance as follows:

6 ..... , Michigan.  
7 ..... , 19-20 ....

8 ~~John Smith,~~ **Name of the owner**  
9 **or person who delivered the**  
10 **property,**

11 ..... Michigan.

12 You are ~~hereby~~ notified that I hold the property ~~hereinafter~~  
13 described **in this notice** and claim a lien ~~upon~~ **on** the ~~same~~ **property**  
14 for work, ~~(and materials)~~ **materials**, and expenses in connection  
15 ~~therewith,~~ **with the property** amounting to .....  
16 dollars, and that I ~~shall~~ **will** offer ~~said~~ **the** property for sale at  
17 ~~my place of business~~ **the following location** (in the township of  
18 .....), at number ..... street, in  
19 the city of ....., county of .....,  
20 State of Michigan, on the ..... day of ....., at  
21 ..... o'clock in the ....., ~~noon,~~ to satisfy the  
22 amount of ~~my said~~ **the** claim and expenses.

23 ~~Said~~ **The** property is described substantially as follows:

24 Signed,  
25 .....

26 **(4) If** ~~such~~ **Except as provided in section 37a, if the** owner or  
27 other person ~~in his~~ **on the owner's** behalf ~~shall~~ **does** not pay the  
28 amount of ~~such~~ **the** claim and charges before the advertised day of  
29 sale, ~~said~~ **the** property ~~shall thereupon~~ **must** be sold pursuant to

1 ~~said-the~~ notice of sale, to the highest bidder. ~~, and said-The~~  
2 mechanic, artisan, tradesman, or other person may ~~become-be~~ be the  
3 purchaser. The proceeds of ~~such-the~~ sale ~~shall-must~~ be applied to  
4 the payment of ~~said-the~~ lien, costs, and expenses, and the balance,  
5 if any, ~~shall-must~~ be paid to the city or township clerk of the  
6 city or township where ~~such-the~~ sale takes place, for the benefit  
7 of ~~such-the~~ owner, and notice of ~~such-the~~ deposit ~~shall-must~~ be  
8 sent to ~~him-the~~ owner by registered mail.

9       **Sec. 37a. (1) If an animal is abandoned in the care of a**  
10 **person and charges for the care of the animal are due to the**  
11 **person, the person has a lien against the animal under section 35.**

12       (2) If a person gives notice under this section, the person in  
13 possession of the animal may sell the animal at a public sale after  
14 possessing the animal for 60 days without payment or the filing of  
15 a suit under this act.

16       (3) Thirty days before the date of the sale of an animal under  
17 this section, the person shall give notice of the time and place of  
18 the sale and the amount claimed by the person by registered mail to  
19 the last known address of the owner of the animal or to the person  
20 who delivered the animal under section 35. The form in section 37  
21 may be used to give notice under this subsection.

22       (4) If the owner, or another person on behalf of the owner,  
23 does not pay the amount of the claim before the advertised day of  
24 sale, the animal must be sold to the highest bidder. The person  
25 selling the animal may be the purchaser. The proceeds of the sale  
26 must be applied to the payment of the lien, costs, and expenses of  
27 keeping the animal. The remaining balance, if any, must be paid to  
28 the city or township clerk of the city or township where the sale  
29 takes place.

1           (5) The city or township clerk under subsection (4) shall send  
2 notice of the payment to the owner of the animal by registered  
3 mail. If the owner does not collect the balance under subsection  
4 (4) from the city or township clerk no later than 60 days after  
5 notice is sent, the city or township clerk shall pay the balance to  
6 the person that possessed the lien on the animal sold under this  
7 section.

8           (6) As used in this section:

9           (a) "Abandoned" means an animal that is not picked up at the  
10 agreed-upon time or paid for by the owner or a representative of  
11 the owner after any of the following:

12           (i) The animal is delivered under section 35.

13           (ii) The animal is left in the care of a local government.

14           (iii) The animal is found and taken in by a local government.

15           (b) "Animal" means any horse, mule, neat cattle, sheep, or  
16 swine.

17           (c) "Local government" means a county, city, township, or  
18 village or any political subdivision of a county, city, township,  
19 or village.

20           (d) "Person" means any individual, firm, partnership,  
21 association, corporation, or local government.