



Sen. Matt Murphy

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09700HB3012sam001

LRB097 09872 AJ0 55106 a

1 AMENDMENT TO HOUSE BILL 3012

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3012 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Innkeepers Lien Act is amended by changing  
5 Section 49 as follows:

6 (770 ILCS 40/49) (from Ch. 82, par. 58)

7 Sec. 49. Stable keepers.

8 (a) As used in this Section:

9 "Boarding or stabling agreement" means any agreement,  
10 written or oral, that establishes or modifies the terms,  
11 conditions, rules, or any other provisions concerning the  
12 boarding or stabling of a horse.

13 "Horse owner" or "owner" means a person who owns a  
14 horse or the person's agent, successor, or assign.

15 "Keeping", "boarding", or "stabling" means boarding  
16 and training services at a stable provided at the horse

1 owner's request including but not limited to: services  
2 under a written boarding or stabling agreement; services  
3 provided in response to a written request by the horse  
4 owner; administering the horse owner's requested  
5 supplements or medications to the horse; trailering the  
6 horse to a designated location; and assistance in  
7 conjunction with veterinary, breeding, farrier,  
8 chiropractic, dental, or other professional services for a  
9 horse.

10 "Last known address" means that address provided by the  
11 horse owner in the latest boarding or stabling agreement or  
12 any other writing, or the address provided by the horse  
13 owner in a subsequent written notice of a change of  
14 address.

15 "Personal property left on the premises" means any  
16 carriage, harness, tack, equipment, supplements,  
17 medications, or other personal property stored by the owner  
18 at the stable or boarding facility.

19 "Stable" or "horse boarding facility" means any real  
20 property used for the purpose of stabling, boarding, or  
21 keeping a horse.

22 "Stable keeper" or "keeper" means the owner, operator,  
23 lessor, or sublessor of a stable or horse boarding  
24 facility, or his, her, or its agent, or any other person or  
25 entity authorized by him, her, or it to manage the horse  
26 boarding facility or to receive rent from a horse owner

1           under a boarding or stabling agreement.

2           (b) Stable keepers ~~and any persons~~ shall have a lien upon  
3 the horses, carriages, ~~and~~ harness, tack and equipment, and any  
4 other personal property stored by the owner at the stable or  
5 boarding facility in the amount of ~~kept by them for~~ the proper  
6 charges due for the keeping thereof and expenses bestowed  
7 thereon at the request of the owner, or the person having the  
8 possession thereof, plus other charges, present or future, in  
9 relation to the horse boarded, plus all fees and expenses,  
10 including legal fees, incurred by the keeper to enforce the  
11 lien, whether by public or private sale, to the extent  
12 permitted under this Section.

13           (c) The lien provided under this Section is a possessory  
14 lien which entitles the keeper to restrict the subject horse's  
15 movement from the keeper's facility, except for emergency  
16 veterinary care. Local law enforcement authorities notified of  
17 the keeper's right to a possessory lien on the horse shall have  
18 the authority, without a court order, to restrict the removal  
19 of the horse from the keeper's facility despite the horse  
20 owner's request or demand, until the keeper confirms to the  
21 local law enforcement authorities that the lien has been  
22 satisfied. Evidence of a possessory lien that constitutes  
23 notice to law enforcement authorities includes, but is not  
24 limited to, a written boarding agreement signed by the horse  
25 owner acknowledging that the keeper shall have an automatic  
26 lien on the horse for the amount owed or the unpaid invoices

1 for the keeping of the horse and fees and expenses, including  
2 attorney's fees, incurred in connection with the enforcement of  
3 the lien.

4 (d) Enforcement of the lien must be by public sale of the  
5 horse or any personal property left of the premises, unless the  
6 written boarding agreement provides a clear authorization that  
7 the horse and any personal property left on the premises may be  
8 sold through a private sale or provides a clear authorization  
9 that the keeper may take ownership of the horse and any  
10 personal property left on the premises to satisfy the lien.

11 (e) Prior to enforcement of the lien through a public or  
12 private sale, the keeper must make a written demand for payment  
13 from the owner of the horse and include notice that the horse  
14 and any personal property left on the premises will be sold at  
15 a date certain not less than 30 days after service of the  
16 demand for payment if payment of all amounts due is not made by  
17 the day set for the sale.

18 (f) In the event of enforcement of the lien through a  
19 public sale, the sale shall be conducted by the local sheriff  
20 or other authorized individual, at which cash shall be paid by  
21 the highest bidder. The date, time, and place of the sale shall  
22 be advertised by posting a written notice of the sale at 3 of  
23 the most public places in the township or municipality where  
24 the horse is boarded or if the horse is not boarded in a  
25 township or municipality, by posting a written notice of the  
26 sale at 3 of the most public places in the county. The posting

1 may be done at any time, but shall not be done less than 21 days  
2 before the sale. Alternatively, the sale may be advertised by  
3 placing a sale notice stating the date, time, and place of the  
4 sale for 3 consecutive weeks in a weekly or daily newspaper of  
5 general circulation distributed in the township or  
6 municipality where the horse is boarded. After the amount due  
7 for keeping the horse and any unpaid invoices and any and all  
8 fees and costs incurred in connection with the enforcement of  
9 the lien, including, but not limited to, the auctioneer and  
10 sheriff's fees, advertising costs, and any legal fees and costs  
11 are paid, the balance shall be paid to the owner. At the time  
12 that the surplus funds are received by the horse owner, the  
13 ownership papers to the horse shall be forwarded by the horse  
14 owner to the public sale buyer within 7 days after the horse  
15 owner's receipt of the surplus funds. In the event the horse  
16 owner cannot be found after reasonable attempts to locate the  
17 owner have been made, any surplus funds shall be paid to the  
18 keeper's chosen equine rescue, rehabilitation, or retirement  
19 facility or organization. At the time of the sale conducted  
20 pursuant to this Section, the sheriff or other authorized  
21 person conducting the sale shall, upon payment of the sale  
22 price, provide a public sale certificate of purchase of the  
23 horse to the highest bidder showing that the highest bidder is  
24 the new legal owner of the horse. As of the time of the  
25 delivery of the public sale certificate of purchase, the  
26 original horse owner shall have no claim of right, title, or

1 interest in the horse.

2 (g) In the event of enforcement of the lien through a  
3 private sale pursuant to the terms of this Section, written  
4 notice shall be considered satisfactory under this Section when  
5 sent at least 3 weeks prior to the date of any private sale to  
6 the horse owner's last known mailing address by first class  
7 certified or registered mail or by e-mail or facsimile. At the  
8 time of the private sale conducted pursuant to the requirements  
9 of this subsection, the keeper shall, upon payment of the sale  
10 price, provide a private sale certificate for the horse to the  
11 buyer certifying that the requirements of this subsection were  
12 met and that the buyer is the legal owner of the horse. As of  
13 the time of the delivery of the private sale certificate, the  
14 original horse owner shall have no claim of right, title, or  
15 interest in the horse. The application of the sale proceeds  
16 shall be as provided in subsection (f).

17 (h) In the event of enforcement of the lien through the  
18 keeper obtaining ownership of the horse and any personal  
19 property left on the premises, the keeper shall provide a  
20 demand for payment to the owner pursuant to subsection (e) and  
21 shall include an appraisal of the value of the horse and any  
22 personal property left on the premises showing that the value  
23 of the horse and the personal property left on the premises is  
24 at least equal to the amount due and owing to the keeper.

25 (i) A lien created pursuant to this Section attaches as of  
26 the date the horse is brought to the stable and shall be

1 superior to any other lien or security interest except for a  
2 statutory lien or security interest which is perfected through  
3 a proper filing pursuant to Article 9 of the Uniform Commercial  
4 Code prior to the beginning of the boarding.

5 (Source: R.S. 1874, p. 665.)".