

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

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

15 (3) "Keeping", "boarding", or "stabling" means
16 boarding and training services at a stable provided at the
17 horse owner's request including but not limited to:
18 services under a written boarding or stabling agreement;
19 services provided in response to a written request by the
20 horse owner; administering the horse owner's requested
21 supplements or medications to the horse; trailering the
22 horse to a designated location; and assistance in
23 conjunction with veterinary, breeding, farrier,

1 chiropractic, dental, or other professional services for a
2 horse.

3 (4) "Last known address" means that address provided by
4 the horse owner in the latest boarding or stabling
5 agreement or any other writing, or the address provided by
6 the horse owner in a subsequent written notice of a change
7 of address.

8 (5) "Stable" or "horse boarding facility" means any
9 real property used for the purpose of stabling, boarding,
10 or keeping a horse.

11 (6) "Stable keeper" or "keeper" means the owner,
12 operator, lessor, or sublessor of a stable or horse
13 boarding facility, or his, her, or its agent, or any other
14 person or entity authorized by him, her, or it to manage
15 the horse boarding facility or to receive rent from a horse
16 owner under a boarding or stabling agreement.

17 (b) Stable keepers ~~and any persons~~ shall have a lien upon
18 the horses, carriages, ~~and~~ harness, tack and equipment, and any
19 other personal property stored by the owner at the stable or
20 boarding facility in the amount of ~~kept by them for~~ the proper
21 charges due for the keeping thereof and expenses bestowed
22 thereon at the request of the owner, or the person having the
23 possession thereof, plus other charges, present or future, in
24 relation to the horse boarded, plus all fees and expenses,
25 including legal fees, incurred by the keeper to enforce the
26 lien, whether by public or private sale, to the extent

1 permitted under this Section.

2 (c) The lien provided under this Section is a possessory
3 lien which entitles the keeper to restrict the subject horse's
4 movement from the keeper's facility, except for emergency
5 veterinary care. Local law enforcement authorities notified of
6 the keeper's right to a possessory lien on the horse shall have
7 the authority, without a court order, to restrict the removal
8 of the horse from the keeper's facility despite the horse
9 owner's request or demand, until the keeper confirms to the
10 local law enforcement authorities that the lien has been
11 satisfied. Evidence of a possessory lien that constitutes
12 notice to law enforcement authorities includes, but is not
13 limited to, a written boarding agreement signed by the horse
14 owner acknowledging that the keeper shall have an automatic
15 lien on the horse for the amount owed or the unpaid invoices
16 for the keeping of the horse and fees and expenses, including
17 attorney's fees, incurred in connection with the enforcement of
18 the lien.

19 (d) Enforcement of the lien must be by public sale, unless
20 the written boarding agreement provides a clear authorization
21 that the horse may be sold through a private sale.

22 (e) In the event of enforcement of the lien through a
23 public sale, the sale shall be conducted by the local sheriff
24 or other authorized individual, at which cash shall be paid by
25 the highest bidder. The date, time, and place of the sale shall
26 be advertised by posting a written notice of the sale at 3 of

1 the most public places in the township or municipality where
2 the horse is boarded or if the horse is not boarded in a
3 township or municipality, by posting a written notice of the
4 sale at 3 of the most public places in the county. The posting
5 may be done at any time, but shall not be done less than 21 days
6 before the sale. Alternatively, the sale may be advertised by
7 placing a sale notice stating the date, time, and place of the
8 sale for 3 consecutive weeks in a weekly or daily newspaper of
9 general circulation distributed in the township or
10 municipality where the horse is boarded. After the amount due
11 for keeping the horse and any unpaid invoices and any and all
12 fees and costs incurred in connection with the enforcement of
13 the lien, including, but not limited to, the auctioneer and
14 sheriff's fees, advertising costs, and any legal fees and costs
15 are paid, the balance shall be paid to the owner. At the time
16 that the surplus funds are received by the horse owner, the
17 ownership papers to the horse shall be forwarded by the horse
18 owner to the public sale buyer within 7 days after the horse
19 owner's receipt of the surplus funds. In the event the horse
20 owner cannot be found after reasonable attempts to locate the
21 owner have been made, any surplus funds shall be paid to the
22 keeper's chosen equine rescue, rehabilitation, or retirement
23 facility or organization. At the time of the sale conducted
24 pursuant to this Section, the sheriff or other authorized
25 person conducting the sale shall, upon payment of the sale
26 price, provide a public sale certificate of purchase of the

1 horse to the highest bidder showing that the highest bidder is
2 the new legal owner of the horse. As of the time of the
3 delivery of the public sale certificate of purchase, the
4 original horse owner shall have no claim of right, title, or
5 interest in the horse.

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

21 (g) A lien created pursuant to this Section attaches as of
22 the date the horse is brought to the stable and shall be
23 superior to any other lien or security interest except for a
24 statutory lien or security interest which is perfected through
25 a proper filing pursuant to Article 9 of the Uniform Commercial
26 Code prior to the beginning of the boarding.

1 (Source: R.S. 1874, p. 665.)