



Rep. JoAnn D. Osmond

Filed: 4/6/2011

09700HB3012ham002

LRB097 09872 AJ0 53893 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 (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

1 horse owner's request including but not limited to:
2 services under a written boarding or stabling agreement;
3 services provided in response to a written request by the
4 horse 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 (4) "Last known address" means that address provided by
11 the horse owner in the latest boarding or stabling
12 agreement or any other writing, or the address provided by
13 the horse owner in a subsequent written notice of a change
14 of address.

15 (5) "Stable" or "horse boarding facility" means any
16 real property used for the purpose of stabling, boarding,
17 or keeping a horse.

18 (6) "Stable keeper" or "keeper" means the owner,
19 operator, lessor, or sublessor of a stable or horse
20 boarding facility, or his, her, or its agent, or any other
21 person or entity authorized by him, her, or it to manage
22 the horse boarding facility or to receive rent from a horse
23 owner under a boarding or stabling agreement.

24 (b) Stable keepers ~~and any persons~~ shall have a lien upon
25 the horses, carriages, ~~and~~ harness, tack and equipment, and any
26 other personal property stored by the owner at the stable or

1 boarding facility in the amount of ~~kept by them for~~ the proper
2 charges due for the keeping thereof and expenses bestowed
3 thereon at the request of the owner, or the person having the
4 possession thereof, plus other charges, present or future, in
5 relation to the horse boarded, plus all fees and expenses,
6 including legal fees, incurred by the keeper to enforce the
7 lien, whether by public or private sale, to the extent
8 permitted under this Section.

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

26 (d) Enforcement of the lien must be by public sale, unless

1 the written boarding agreement provides a clear authorization
2 that the horse may be sold through a private sale.

3 (e) In the event of enforcement of the lien through a
4 public sale, the sale shall be conducted by the local sheriff
5 or other authorized individual, at which cash shall be paid by
6 the highest bidder. The date, time, and place of the sale shall
7 be advertised by posting a written notice of the sale at 3 of
8 the most public places in the township or municipality where
9 the horse is boarded or if the horse is not boarded in a
10 township or municipality, by posting a written notice of the
11 sale at 3 of the most public places in the county. The posting
12 may be done at any time, but shall not be done less than 21 days
13 before the sale. Alternatively, the sale may be advertised by
14 placing a sale notice stating the date, time, and place of the
15 sale for 3 consecutive weeks in a weekly or daily newspaper of
16 general circulation distributed in the township or
17 municipality where the horse is boarded. After the amount due
18 for keeping the horse and any unpaid invoices and any and all
19 fees and costs incurred in connection with the enforcement of
20 the lien, including, but not limited to, the auctioneer and
21 sheriff's fees, advertising costs, and any legal fees and costs
22 are paid, the balance shall be paid to the owner. At the time
23 that the surplus funds are received by the horse owner, the
24 ownership papers to the horse shall be forwarded by the horse
25 owner to the public sale buyer within 7 days after the horse
26 owner's receipt of the surplus funds. In the event the horse

1 owner cannot be found after reasonable attempts to locate the
2 owner have been made, any surplus funds shall be paid to the
3 keeper's chosen equine rescue, rehabilitation, or retirement
4 facility or organization. At the time of the sale conducted
5 pursuant to this Section, the sheriff or other authorized
6 person conducting the sale shall, upon payment of the sale
7 price, provide a public sale certificate of purchase of the
8 horse to the highest bidder showing that the highest bidder is
9 the new legal owner of the horse. As of the time of the
10 delivery of the public sale certificate of purchase, the
11 original horse owner shall have no claim of right, title, or
12 interest in the horse.

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

1 shall be as provided in subsection (e).

2 (g) A lien created pursuant to this Section attaches as of
3 the date the horse is brought to the stable and shall be
4 superior to any other lien or security interest except for a
5 statutory lien or security interest which is perfected through
6 a proper filing pursuant to Article 9 of the Uniform Commercial
7 Code prior to the beginning of the boarding.

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