

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 "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
17 owner's request including but not limited to: services
18 under a written boarding or stabling agreement; services
19 provided in response to a written request by the horse
20 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 "Last known address" means that address provided by the
4 horse owner in the latest boarding or stabling agreement or
5 any other writing, or the address provided by the horse
6 owner in a subsequent written notice of a change of
7 address.

8 "Personal property left on the premises" means any
9 carriage, harness, tack, equipment, supplements,
10 medications, or other personal property stored by the owner
11 at the stable or boarding facility.

12 "Stable" or "horse boarding facility" means any real
13 property used for the purpose of stabling, boarding, or
14 keeping a horse.

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

21 (b) Stable keepers ~~and any persons~~ shall have a lien upon
22 the horses, carriages, ~~and~~ harness, tack and equipment, and any
23 other personal property stored by the owner at the stable or
24 boarding facility in the amount of ~~kept by them for~~ the proper
25 charges due for the keeping thereof and expenses bestowed
26 thereon at the request of the owner, or the person having the

1 possession thereof, plus other charges, present or future, in
2 relation to the horse boarded, plus all fees and expenses,
3 including legal fees, incurred by the keeper to enforce the
4 lien, whether by public or private sale, to the extent
5 permitted under this Section.

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

23 (d) Enforcement of the lien must be by public sale of the
24 horse or any personal property left on the premises, unless the
25 written boarding agreement provides a clear authorization that
26 the horse and any personal property left on the premises may be

1 sold through a private sale or provides a clear authorization
2 that the keeper may take ownership of the horse and any
3 personal property left on the premises to satisfy the lien.

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

11 (f) In the event of enforcement of the lien through a
12 public sale, the sale shall be conducted by the local sheriff
13 or other authorized individual, at which cash shall be paid by
14 the highest bidder. The date, time, and place of the sale shall
15 be advertised by posting a written notice of the sale at 3 of
16 the most public places in the township or municipality where
17 the horse is boarded or if the horse is not boarded in a
18 township or municipality, by posting a written notice of the
19 sale at 3 of the most public places in the county. The posting
20 may be done at any time, but shall not be done less than 21 days
21 before the sale. Alternatively, the sale may be advertised by
22 placing a sale notice stating the date, time, and place of the
23 sale for 3 consecutive weeks in a weekly or daily newspaper of
24 general circulation distributed in the township or
25 municipality where the horse is boarded. After the amount due
26 for keeping the horse and any unpaid invoices and any and all

1 fees and costs incurred in connection with the enforcement of
2 the lien, including, but not limited to, the auctioneer and
3 sheriff's fees, advertising costs, and any legal fees and costs
4 are paid, the balance shall be paid to the owner. At the time
5 that the surplus funds are received by the horse owner, the
6 ownership papers to the horse shall be forwarded by the horse
7 owner to the public sale buyer within 7 days after the horse
8 owner's receipt of the surplus funds. In the event the horse
9 owner cannot be found after reasonable attempts to locate the
10 owner have been made, any surplus funds shall be paid to the
11 keeper's chosen equine rescue, rehabilitation, or retirement
12 facility or organization. At the time of the sale conducted
13 pursuant to this Section, the sheriff or other authorized
14 person conducting the sale shall, upon payment of the sale
15 price, provide a public sale certificate of purchase of the
16 horse to the highest bidder showing that the highest bidder is
17 the new legal owner of the horse. As of the time of the
18 delivery of the public sale certificate of purchase, the
19 original horse owner shall have no claim of right, title, or
20 interest in the horse.

21 (g) In the event of enforcement of the lien through a
22 private sale pursuant to the terms of this Section, written
23 notice shall be considered satisfactory under this Section when
24 sent at least 3 weeks prior to the date of any private sale to
25 the horse owner's last known mailing address by first class
26 certified or registered mail or by e-mail or facsimile. At the

1 time of the private sale conducted pursuant to the requirements
2 of this subsection, the keeper shall, upon payment of the sale
3 price, provide a private sale certificate for the horse to the
4 buyer certifying that the requirements of this subsection were
5 met and that the buyer is the legal owner of the horse. As of
6 the time of the delivery of the private sale certificate, the
7 original horse owner shall have no claim of right, title, or
8 interest in the horse. The application of the sale proceeds
9 shall be as provided in subsection (f).

10 (h) In the event of enforcement of the lien through the
11 keeper obtaining ownership of the horse and any personal
12 property left on the premises, the keeper shall provide a
13 demand for payment to the owner pursuant to subsection (e) and
14 shall include an appraisal of the value of the horse and any
15 personal property left on the premises showing that the value
16 of the horse and the personal property left on the premises is
17 at least equal to the amount due and owing to the keeper.

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

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