

1993 Senate Bill 576

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# 1993 WISCONSIN ACT 328

AN ACT to amend 779.48 (2); and to create 779.47 of the statutes, relating to: plastics fabricator's lien.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 779.47 of the statutes is created to read:

**779.47 Plastics fabricator's lien.** (1) DEFINITIONS.

In this section:

(a) "Plastics fabricator" means a person who uses toolings to fabricate or manufacture plastic products or a person who makes or provides toolings for use in the fabrication or manufacture of plastic products.

(b) "Toolings" includes masters, models, patterns, tools, dies, molds, jigs, fixtures, forms and designs that are used in the fabrication or manufacture of plastic products.

(2) LIEN. Subject to sub. (2m), a plastics fabricator shall have a lien on all toolings and plastic products in the plastics fabricator's possession that belong to the customer for the amount owed the plastics fabricator by the customer for toolings or for plastics fabrication processing or work. The plastics fabricator may retain possession of the toolings until the amount owed is paid or satisfied.

(2m) ATTACHMENT AND PERFECTION. A lien under sub. (2) attaches and is perfected 30 days after the date on which plastic products are delivered to the customer unless the customer notifies the plastics fabricator within that time period that the products failed to meet an approved quality control plan, the products deviated from approved samples or the products deviated from

previously accepted parts and the customer returns the products within 60 days after the date on which the products are delivered to the customer.

(3) PRIORITY. A lien under sub. (2) does not take priority over an existing perfected security interest.

**SECTION 2m.** 779.48 (2) of the statutes is amended to read:

779.48 (2) Every person given a lien by ss. 779.41 and 779.43 (3) may in case the claim remains unpaid for 2 months after the debt is incurred, and a person given a lien under s. 779.47 (2) may if the claim remains unpaid 90 days after the lien is perfected, enforce such lien by sale of the property substantially in conformity with ss. 409.501 to 409.507 and the lien claimant shall have the rights and duties of a secured party thereunder. When such sections are applied to the enforcement of such lien the word debtor or equivalent when used therein shall be deemed to refer to the owner of the property and any other person having an interest shown by instrument filed as required by law or shown in the records of the department of transportation, and the word indebtedness or equivalent shall include all claims upon which such lien is based.

**SECTION 3. Initial applicability.** This act first applies to agreements for toolings, as defined in section 779.47 (1) of the statutes, as created by this act, or for plastics fabrication work entered into, modified, extended or revised on the effective date of this SECTION.

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