

State of Wisconsin



1995 Senate Bill 120

Date of enactment: **May 2, 1996**
Date of publication*: **May 16, 1996**

1995 WISCONSIN ACT 331

AN ACT to amend 779.43 (title) and 779.43 (3); and to create 779.41 (1m), 779.43 (1) (c) and 779.43 (4) of the statutes; relating to: liens against boats.

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

SECTION 1. 779.41 (1m) of the statutes is created to read:

779.41 (1m) (a) Subsection (1), as it applies to a mechanic, mechanic's employer or keeper of a garage or shop, applies to a boat mechanic, boat mechanic's employer, person who tows a boat or keeper of a marina or shop at which boats are repaired, except as follows:

1. The lien provided by this subsection is subject to the lien of any security interest in the boat that is perfected as provided by law prior to the commencement of the work for which the lien is claimed unless the work was done with the express consent of the holder of the security interest, but only for charges in excess of \$1,200.

2. Within 30 days after the charges for the work become past due, the person claiming a lien under this subsection shall send written notice to the owner of the boat and the holder of the senior lien on the boat informing them that they must take steps to obtain the release of the boat. To reclaim the boat, the owner or the senior lienholder must pay all charges that have a priority over other security interests under this subsection and all reasonable storage charges on the boat that have accrued after 60 days from the date that the charges for the work became past due. A reasonable effort to notify the owner and the holder of the senior lien satisfies the notice requirement

under this subdivision. Failure to make a reasonable effort to notify the owner and the senior lienholder renders void any lien to which the person may be entitled under this subsection.

(b) A lien under this subsection is in addition to any remedy available under ch. 780.

SECTION 2. 779.43 (title) of the statutes is amended to read:

779.43 (title) Liens of keepers of hotels, livery stables, garages, marinas and pastures.

SECTION 3. 779.43 (1) (c) of the statutes is created to read:

779.43 (1) (c) "Marina" includes any property used for the storage, repair or mooring of boats, whether on land or in water.

SECTION 4. 779.43 (3) of the statutes is amended to read:

779.43 (3) ~~Every~~ Subject to sub. (4), every keeper of a garage, marina, livery or boarding stable, and every person pasturing or keeping any carriages, automobiles, boats, harness or animals, and every person or corporation, municipal or private, owning any airport, hangar or aircraft service station and leasing hangar space for aircraft, shall have a lien thereon and may retain the possession thereof for the amount due for the keep, support, storage or repair and care thereof until paid. But no garage or marina keeper shall exercise the lien upon any automobile or boat unless ~~there shall be posted~~ the keeper

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

gives notice of the charges for storing automobiles or boats on a signed service order or by posting in some conspicuous place in the garage or marina a card, stating the charges for storing automobiles, that is easily readable at a distance of 15 feet.

SECTION 5. 779.43 (4) of the statutes is created to read:

779.43 (4) (a) The lien of a marina keeper under this section is subject to the lien of any security interest in the boat that is perfected as provided by law prior to the commencement of the services for which the lien is claimed unless the services were done with the express consent of the holder of the security interest, but only for charges in excess of \$1,200.

(b) Within 30 days after the charges for the services of a marina keeper become past due, the marina keeper shall send written notice to the owner of the boat and the holder of the senior lien on the boat informing them that they must take steps to obtain the release of the boat. To reclaim the boat, the owner or the senior lienholder must

pay all charges that have a priority over other security interests under par. (a) and all reasonable storage charges on the boat that have accrued after 60 days from the date that the charges for the services became past due. A reasonable effort to notify the owner and the holder of the senior lien satisfies the notice requirement under this paragraph. Failure to make a reasonable effort to notify the owner and the senior lienholder renders void any lien to which the marina keeper may be entitled under this section.

(c) A lien of a marina keeper under this section is in addition to any remedy available under ch. 780.

SECTION 6. Initial applicability.

(1) This act first applies to the work performed on or services provided for a boat on the effective date of this subsection.

SECTION 7. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after publication.
