



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1995 SENATE BILL 120**

June 8, 1995 - Offered by COMMITTEE ON EDUCATION AND FINANCIAL INSTITUTIONS.

1 **AN ACT to amend** 779.43 (title) and 779.43 (3); and **to create** 779.41 (1m), 779.43
2 (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:

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

4 779.41 (1m) (a) Subsection (1), as it applies to a mechanic, mechanic's employer
5 or keeper of a garage or shop, applies to a boat mechanic, boat mechanic's employer
6 or keeper of a marina or shop at which boats are repaired, except as follows:

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

11 2. Within 30 days after the charges for the work become past due, the person
12 claiming a lien under this subsection shall send written notice to the owner of the
13 boat and the holder of the senior lien on the boat informing them that they must take
14 steps to obtain the release of the boat. To reclaim the boat, the owner or the senior

1 lienholder must pay all charges that have a priority over other security interests
2 under this subsection and all reasonable storage charges on the boat that have
3 accrued after 60 days from the date that the charges for the work became past due.
4 A reasonable effort to notify the owner and the holder of the senior lien satisfies the
5 notice requirement under this subdivision. Failure to make a reasonable effort to
6 notify the owner and the senior lienholder renders void any lien to which the person
7 may be entitled under this subsection.

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

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

11 **779.43 (title) Liens of keepers of hotels, livery stables, garages, marinas**
12 **and pastures.**

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

14 779.43 (1) (c) "Marina" includes any property used for the storage or mooring
15 of boats, whether on land or in water.

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

17 779.43 (3) ~~Every~~ Subject to sub. (4), every keeper of a garage, marina, livery
18 or boarding stable, and every person pasturing or keeping any carriages,
19 automobiles, boats, harness or animals, and every person or corporation, municipal
20 or private, owning any airport, hangar or aircraft service station and leasing hangar
21 space for aircraft, shall have a lien thereon and may retain the possession thereof for
22 the amount due for the keep, support, storage or repair and care thereof until paid.
23 But no garage or marina keeper shall exercise the lien upon any automobile or boat
24 unless there shall be posted in some conspicuous place in the garage or marina a card,

1 stating the charges for storing automobiles or boats, easily readable at a distance of
2 15 feet.

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

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

9 (b) Within 30 days after the charges for the services of a marina keeper become
10 past due, the marina keeper shall send written notice to the owner of the boat and
11 the holder of the senior lien on the boat informing them that they must take steps
12 to obtain the release of the boat. To reclaim the boat, the owner or the senior
13 lienholder must pay all charges that have a priority over other security interests
14 under par. (a) and all reasonable storage charges on the boat that have accrued after
15 60 days from the date that the charges for the services became past due. A reasonable
16 effort to notify the owner and the holder of the senior lien satisfies the notice
17 requirement under this paragraph. Failure to make a reasonable effort to notify the
18 owner and the senior lienholder renders void any lien to which the marina keeper
19 may be entitled under this section.

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

22 **SECTION 6. Initial applicability.**

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

25 **SECTION 7. Effective date.**

