
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 995 Session of
2013

INTRODUCED BY VOGEL, RAFFERTY, SOLOBAY, BREWSTER, WAUGH,
TARTAGLIONE AND YUDICHAK, JUNE 5, 2013

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, JUNE 5, 2013

AN ACT

1 Establishing the requirements for livery provider liens.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Livery
6 Providers Fair Lien Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Boarding stable owner." A person who owns or operates a
12 livery or other similar operation engaging in the sheltering,
13 boarding, keeping, grooming, care, exercising or feeding of
14 horses on behalf of horse owners for price, fee or reward.

15 Section 3. Livery providers lien.

16 (a) Liens.--A boarding stable owner who performs labor upon,
17 boards, furnishes services, supplies or provides materials for a

1 horse, at the request or with the consent of the owner, shall
2 have a lien upon the horse and the right to detain the horse to
3 secure the payment of the price or reward.

4 (b) Horse attachment.--A boarding stable owner's lien
5 attaches to a horse on the day the horse is placed in the
6 owner's care for boarding or other labor by writing a statement
7 of the amount due to the owner for the care of the horse and a
8 description of the horse on which the lien is claimed.

9 Section 4. Enforcement of lien.

10 (a) Sale.--If a lienholder is not paid the amount due for
11 which the lien is given within 30 days after demand has been
12 made in writing, the lienholder may proceed to sell the horse to
13 satisfy the lien and costs of sale under section 5 if any of the
14 following applies:

15 (1) An authorization to conduct a lien sale has been
16 issued under this section.

17 (2) A judgment has been entered in favor of the
18 lienholder on the claim which gave rise to the lien.

19 (3) The owners and any secured parties of record or
20 known lienholders of the horse have signed, after the lien
21 has arisen, a release of any interest in the horse.

22 (b) Application.--A lienholder may apply to a magisterial
23 district judge or municipal court judge, whichever is
24 appropriate, in the county in which the lienholder's business
25 establishment is physically located for the issuance of an
26 authorization to conduct a lien sale under subsection (c). The
27 application shall be executed under penalty of perjury and shall
28 include all of the following:

29 (1) A description of the horse.

30 (2) The names and addresses of the owners of the horse

1 and the names and addresses of any other persons who the
2 lienholder knows claim an interest in the horse.

3 (3) A statement of the amount of the lien and facts
4 concerning the claim which gives rise to the lien. If
5 compensation for storage is claimed, the per diem rate of
6 storage shall be shown.

7 (4) The date, time and place that the horse will be sold
8 if the authorization to conduct a lien sale is issued.

9 (5) A statement that the lienholder has no information
10 or belief that there is a valid defense to the claim which
11 gives rise to the lien.

12 (6) A statement that the lienholder will not offer for
13 sale or sell the horse for the purposes of slaughter.

14 (c) Receipt.--Upon receipt of a lien sale application under
15 subsection (b), the magisterial district judge or municipal
16 court judge shall send all of the following:

17 (1) Notice of the filing of the lien sale application
18 within five business days following the receipt of the
19 application to all persons known to the lienholder claiming
20 an interest in the horse.

21 (2) Notice and a copy of the application by certified
22 mail or registered mail, return receipt requested, to each
23 owner, and any known lienholders and any other persons whose
24 names and addresses are listed in the application. If the
25 identity of an owner or party with an interest cannot be
26 determined with reasonable certainty, section 6 shall have
27 the same effect as if notice were sent by certified or
28 registered mail. The notice shall include all the following:

29 (i) A statement that a lien sale application has
30 been made with the magisterial district judge or

1 municipal court judge for the issuance of an
2 authorization to conduct a lien sale.

3 (ii) A statement that the person has a legal right
4 to a hearing in court. If a hearing in court is desired,
5 the enclosed declaration under penalty of perjury shall
6 be signed and returned and if the declaration is signed
7 and returned, the lienholder shall be allowed to sell the
8 horse, motor vehicle or accessory only if the lienholder
9 obtains a judgment in court or obtains a release from the
10 owners and any known lienholders.

11 (iii) A statement that if the declaration is signed
12 and returned, a hearing shall be promptly scheduled and
13 the owners may then appear to contest the claim of the
14 lienholder.

15 (iv) A statement of the date, time and place that
16 the horse will be sold if the authorization to conduct a
17 lien sale is issued.

18 (v) A statement that the magisterial district judge
19 and municipal court judge shall issue the authorization
20 to conduct a lien sale unless the person signs and
21 returns, within 20 days after the date on which the
22 notice was mailed, the enclosed declaration stating that
23 the person desires to contest the claim which gives rise
24 to the lien.

25 (vi) A statement that the person shall be liable for
26 costs if a judgment is entered in favor of the lienholder
27 on the claim which gives rise to the lien.

28 (vii) A declaration that shall be executed by the
29 person under penalty of perjury stating that the person
30 desires to contest the claim which gives rise to the lien

1 and that the person has a valid defense to the claim and
2 shall furnish names and addresses where official notice
3 may be received of any persons, including the person
4 desiring to contest the claim, known to claim an interest
5 in the horse on the hearing date.

6 (3) If a magisterial district judge or a municipal court
7 judge receives a declaration described in paragraph (2)(ii),
8 which is mailed within 20 days after the date upon which the
9 notice described in this subsection is mailed, the
10 magisterial district judge or a municipal court judge shall
11 notify the lienholder and owners and any other person listed
12 in the application or declaration of the hearing date, unless
13 the owners of the horse and any known lienholders have
14 signed, after the lien has arisen, a release of any interest
15 in the horse.

16 (4) In any hearing, the lienholder may have the amount
17 of the indebtedness and right to sale determined and the
18 person requesting the hearing may present and have determined
19 any defenses, setoffs, counterclaims, cross-claims or third-
20 party actions.

21 (5) Any fees shall be recoverable as a cost by the
22 lienholder if a sale is conducted.

23 Section 5. Release of owner's interest.

24 (a) Release.--An owner of a horse subject to a lien under
25 section 3 may release any interest in the horse after the lien
26 has risen. The release shall be dated when signed and a copy
27 shall be given at the time the release is signed to the person
28 releasing the interest.

29 (b) Information.--The release shall contain all of the
30 following information:

1 (1) A description of the horse.

2 (2) The names and addresses of the owners.

3 (3) A statement of the amount of the lien and the facts
4 concerning the claim which gives rise to the lien.

5 (4) A statement that the person releasing the interest
6 understands that the person has a legal right to a hearing in
7 court before any sale of the horse to satisfy the lien and
8 the person is giving up the right to appear to contest the
9 claim of the lienholder.

10 (5) A statement that the person releasing the interest
11 gives up any interest the person may have in the horse and
12 the person is giving the lienholder permission to sell the
13 horse.

14 (6) A statement that there is no other persons or
15 lienholders who have an outstanding interest in the horse.

16 Section 6. Notice of lien sale, disposition of proceeds.

17 (a) Horse sale notice.--Before the sale of a horse to
18 satisfy a lien, to the lienholder shall give no less than 15
19 days notice of the sale by posting notice of the sale in two
20 newspapers of general circulation within the county of the horse
21 owner's residence and the county of the boarding stable owner's
22 place of business.

23 (b) Proceeds.--The proceeds of the sale shall be applied to
24 the discharge of the lien and the cost of keeping and selling
25 the horse. The balance, if any, of the proceeds of the sale
26 shall be deposited no later than ten days from the date of the
27 sale with the court to be applied by the magisterial district
28 judge or municipal court judge to the payment of any lien or
29 security interest to which the horse may be subject in the order
30 of their priority, with any remaining proceeds to be paid to the

1 owners of the horse sold, but in case the owners cannot be
2 found, the balance shall be turned over no later than 60 days
3 from the date of the sale to the State Treasurer, who shall
4 create a special fund and who shall pay to the owner the moneys
5 left if a claim is made within one year of the sale, or deposit
6 the moneys in the General Fund if no claim is made within one
7 year of the sale.

8 Section 7. Priority of lien.

9 All liens created under this act shall be superior to any
10 lien, title or interest of any person who has a security
11 interest by virtue of a conditional sale contract or a prior
12 perfected security interest in accordance with the laws of this
13 Commonwealth.

14 Section 8. Effective date.

15 This act shall take effect in 60 days.