



Rep. JoAnn D. Osmond

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09700HB3012ham001

LRB097 09872 AJO 51970 a

1 AMENDMENT TO HOUSE BILL 3012

2 AMENDMENT NO. _____. Amend House Bill 3012 by replacing
3 everything after the enacting clause with the following:

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 (1) "Boarding or stabling agreement" means any
10 agreement, written or oral, that establishes or modifies
11 the terms, conditions, rules, or any other provisions
12 concerning the boarding or stabling of a horse.

13 (2) "Horse owner" or "owner" means a person, his or her
14 agent, successor, or assign, who owns a horse.

15 (3) "Keeping", "boarding", or "stabling" means
16 boarding and training services at a stable provided at the

1 horse owner's request including but not limited to:
2 services under a written boarding or stabling agreement;
3 services provided in response to a written request by the
4 horse owner; administering to the horse, the horse owner's
5 requested supplements or medications; trailering the horse
6 to a designated location; and assistance in conjunction
7 with veterinary, breeding, farrier, chiropractic, dental,
8 or other professional services for a horse.

9 (4) "Last known address" means that address provided by
10 the horse owner in the latest boarding or stabling
11 agreement or any other writing, or the address provided by
12 the horse owner in a subsequent written notice of a change
13 of address.

14 (5) "Stable" or "horse boarding facility" means any
15 real property used for the purpose of stabling, boarding,
16 or keeping a horse.

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

23 (b) Stable keepers ~~and any persons~~ shall have a lien upon
24 the horses, carriages, ~~and~~ harness, tack and equipment, and any
25 other personal property stored by the owner at the stable or
26 boarding facility in the amount of ~~kept by them for~~ the proper

1 charges due for the keeping thereof and expenses bestowed
2 thereon at the request of the owner, or the person having the
3 possession thereof, plus other charges, present or future, in
4 relation to the horse boarded, plus all fees and expenses,
5 including legal fees, incurred by the keeper to enforce the
6 lien, whether by public or private sale, to the extent
7 permitted under this Section.

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

25 (d) Enforcement of the lien must be by public sale, unless
26 and only if the written boarding agreement provides a clear

1 authorization that the horse may be sold through a private
2 sale.

3 (e) In the event of enforcement of the lien through a
4 public sale, the sale shall be conducted by the local sheriff
5 or other authorized individual, at which cash shall be paid by
6 the highest bidder. The date, time, and place of the sale shall
7 be advertised by posting a written notice of the sale at 3 of
8 the most public places in the township or municipality where
9 the horse is boarded. The posting may be done at any time, but
10 shall not be done less than 21 days before the sale.
11 Alternatively, the sale may be advertised by placing a sale
12 notice stating the date, time, and place of the sale for 3
13 consecutive weeks in a weekly or daily newspaper of general
14 circulation distributed in the township or municipality where
15 the horse is boarded. After the amount due for keeping the
16 horse and any unpaid invoices and any and all fees and costs
17 incurred in connection with the enforcement of the lien,
18 including, but not limited to, the auctioneer and sheriff's
19 fees, advertising costs, and any legal fees and costs are paid,
20 the balance shall be paid to the owner. At the time that the
21 surplus funds are received by the horse owner, the ownership
22 papers to the horse shall be forwarded by the horse owner to
23 the public sale buyer within 7 days after the horse owner's
24 receipt of the surplus funds. In the event the horse owner
25 cannot be found after reasonable attempts to locate the owner
26 have been made, any surplus funds shall be paid to the keeper's

1 chosen equine rescue, rehabilitation, or retirement facility
2 or organization. At the time of the sale conducted pursuant to
3 this Section, the sheriff or other authorized person conducting
4 the sale, shall, upon payment of the sale price, provide a
5 public sale certificate of purchase of the horse to the highest
6 bidder showing that the highest bidder is the new legal owner
7 of the horse. As of the time of the delivery of the public sale
8 certificate of purchase, the original horse owner shall have no
9 claim of right, title, or interest in the horse.

10 (f) In the event of enforcement of the lien through a
11 private sale pursuant to the terms of this Section, written
12 notice shall be considered satisfactory under this Section when
13 sent to the horse owner's last known mailing address by first
14 class certified or registered mail, e-mail, or facsimile at
15 least 3 weeks prior to the date of any private sale. At the
16 time of the private sale conducted pursuant to the requirements
17 of this subsection, the keeper shall, upon payment of the sale
18 price, provide a private sale certificate for the horse to the
19 buyer certifying that the requirements of this subsection were
20 met and that the buyer is the legal owner of the horse. As of
21 the time of the delivery of the private sale certificate, the
22 original horse owner shall have no claim of right, title, or
23 interest in the horse. The application of the sale proceeds
24 shall be as provided in subsection (e).

25 (g) A lien created pursuant to this Section attaches as of
26 the date the horse is brought to the stable and shall be

1 superior to any other lien or security interest except for a
2 statutory lien or security interest which is perfected through
3 a proper filing prior to the beginning of the boarding.

4 (Source: R.S. 1874, p. 665.)".