

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 43-32 of the Code of Virginia and to amend the Code of Virginia by adding a*
 3 *section numbered 43-32.1, relating to keeper of livery stable; liens; requirements.*

4 [H 1217]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 43-32 of the Code of Virginia is amended and reenacted and that the Code of Virginia is**
 8 **amended by adding a section numbered 43-32.1 as follows:**9 **§ 43-32. Lien of keeper of hangar, marina, etc.**10 A. Every keeper of a ~~livery stable~~, hangar, tie-down, or marina, and every person ~~pasturing or keeping any~~
 11 ~~horses or other animals~~, boats, aircraft, or harness, shall have a lien upon such ~~horses and other animals~~,
 12 boats, aircraft, and harness; for the amount that may be due him for the towing, storage, recovery, keeping,
 13 supporting, and care thereof; until such amount is paid.14 B. In the case of any boat or aircraft subject to a chattel mortgage, security agreement, deed of trust, or
 15 other instrument securing money, the keeper of the marina, hangar, or tie-down shall have a lien thereon for
 16 his reasonable charges for storage under this section not to exceed \$500 and for alteration and repair under
 17 § 43-33 not to exceed \$1,000. However, in the case of a storage lien, to obtain the priority for an amount in
 18 excess of \$300, the person asserting the lien shall make a reasonable attempt to notify any secured party of
 19 record at the Department of Wildlife Resources by telephonic means and shall give written notice by certified
 20 mail, return receipt requested, to any secured party of record at the Department of Wildlife Resources within
 21 seven business days of taking possession of the boat or aircraft. If the secured party does not, within seven
 22 business days of receipt of the notice, take or refuse redelivery to it or its designee, the lienor shall be entitled
 23 to priority for the full amount of storage charges, not to exceed \$500. Notwithstanding a redelivery, the
 24 watercraft shall be subject to subsection D.25 C. In addition, any person furnishing services involving the towing and recovery of a boat or aircraft shall
 26 have a lien for all normal costs incident thereto, if the person asserting the lien gives written notice within
 27 seven days of receipt of the boat or aircraft by certified mail, return receipt requested, to all secured parties of
 28 record at the Department of Wildlife Resources.29 D. In addition, any keeper shall be entitled to a lien against any proceeds remaining after the satisfaction
 30 of all prior security interests or liens and may retain possession of such property until such charges are paid.31 **§ 43-32.1. Lien of keeper of livery stable, pasture, or boarding facility.**32 A. *Any person that boards, pastures, or otherwise keeps any horse, cattle, or other animal pursuant to an*
 33 *agreement with the owner of such horse, cattle, or other animal shall have a possessory lien for the*
 34 *reasonable charges due for such horse, cattle, or other animal's care, feeding, and maintenance, provided*
 35 *that the lien meets the requirements set forth in subsection E.*36 B. *The lienholder shall retain possession of the horse, cattle, or other animal pursuant to an agreement*
 37 *with the owner of such horse, cattle, or other animal for which such reasonable charges are due for a period*
 38 *not to exceed 30 days until one of the following occurs:*

- 39 1.
- The charges are paid in full;*
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- 40 2.
- The owner and lienholder agree in writing to an extension; or*
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- 41 3.
- A court of competent jurisdiction orders otherwise.*

42 *If, after the expiration of the 30 days, no such action has occurred, the lienholder may proceed in*
 43 *accordance with the provisions of § 43-34, provided that the lien is otherwise enforceable under relevant*
 44 *law.*45 C. *If the owner disputes the validity or amount of the lien, the owner may file a petition in the general*
 46 *district court of the jurisdiction in which the animal is boarded, pastured, or kept. The court shall hold a*
 47 *hearing within 10 business days to determine (i) whether the lien is valid, (ii) whether the charges are*
 48 *reasonable, and (iii) whether continued retention of the animal is appropriate.*49 D. *If the court finds that the owner of the animal has substantially complied with his obligations and the*
 50 *lienholder has unreasonably withheld release of the animal, the court may (i) order immediate return of the*
 51 *animal to such owner; (ii) set conditions for partial payment of the charges due or the posting of a bond; or*
 52 *(iii) upon a determination that the lienholder imposed the lien in bad faith, award damages, including*
 53 *reasonable attorney fees and costs.*54 E. *No lien shall be enforceable unless the lienholder, within 10 days of the effective date of the lien,*
 55 *delivers by certified mail to the owner of the animal written notice of the lien. Such written notice shall*
 56 *identify the animal and shall include the amount of charges due and a summary of services rendered.*