

3 Senate Bill No. 419
4 As Amended

5 SENATE BILL NO. 419 - By: GUMM and COATES of the Senate and ARMES of
6 the House.

7 [liens - modifying procedures - sale, disposal or removal
8 of property - repealer - codification - effective date]

9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 91.2 of Title 42, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Any person who, at or with the owner's request or consent,
14 performs work, makes repairs or improvements on, replaces, adds or
15 installs equipment on any personal property or tows or stores any
16 personal property, has a first and prior lien on such personal
17 property for the total value of the services performed, including
18 the reasonable value of all material used in the performance of such
19 services and the reasonable value of all equipment replaced, added
20 or installed.

21 B. If the lien claimant is in possession of the personal
22 property for the purpose of having the work, repairs or improvements
23 made, the equipment replaced, added or installed thereon, or towing
24 or storing, the lien shall be valid as long as the lien claimant

1 retains possession of the personal property. The lien claimant
2 shall retain the lien after releasing the personal property by
3 filing within ninety (90) days a statement, under oath, of the items
4 of the account, a description of the personal property on which the
5 lien is claimed and the name of the owner of the personal property,
6 with the county clerk in the county where the services were
7 performed.

8 C. If the lien claimant was never in possession of the personal
9 property, the lien claimant shall retain the lien by filing with the
10 county clerk in the county where the services were performed, within
11 ninety (90) days after the date work was last performed, material
12 was last furnished in performing such work or making such repairs or
13 improvements, equipment was last replaced, added or installed or the
14 personal property was last towed or stored, a statement, under oath,
15 of the items of the account, a description of the personal property
16 on which the lien is claimed, the name of the owner of the personal
17 property and the date upon which work was last performed, material
18 was last furnished in performing such work or making such repairs or
19 improvements, equipment was last replaced, added or installed, or
20 the personal property was last towed or stored.

21 D. For purposes of this act, "personal property" includes, but
22 is not limited to, automobiles, trucks, trailers, barges, aircraft,
23 construction equipment and farm implements.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 91.3 of Title 42, unless there
3 is created a duplication in numbering, reads as follows:

4 A lien granted under Section 1 of this act may be enforced and
5 foreclosed in the same manner as security agreements pursuant to the
6 Uniform Commercial Code. Any legal action taken by or on behalf of
7 a lien claimant to enforce or foreclose any such lien filed in the
8 office of the county clerk shall be commenced within one (1) year of
9 the date the lien was filed, or the lien shall be void. For
10 purposes of this section, publication or delivery of a notice of
11 sale under the Uniform Commercial Code shall constitute the
12 commencement of legal action to enforce or foreclose a lien granted
13 under Section 1 of this act. Reasonable attorney fees and legal
14 expenses incurred by the lien claimant to claim, enforce and
15 foreclose the lien granted under Section 1 of this act shall be
16 included in the amount secured by such lien. After five (5) years
17 from the date the lien was filed, the county clerk of the county
18 where the lien is filed shall remove the lien from the records.

19 SECTION 3. AMENDATORY 42 O.S. 2001, Section 101, is
20 amended to read as follows:

21 Section 101. Any person convicted of selling, disposing of or
22 removing property covered by ~~such a lien,~~ under this act without the
23 written consent of the owner of ~~such~~ the lien, ~~upon conviction~~

1 ~~thereof,~~ shall be guilty of a misdemeanor ~~and shall be~~ punishable by
2 imprisonment in the county jail for not more than six (6) months or
3 by a fine of not less than One Hundred Dollars (\$100.00).

4 SECTION 4. REPEALER 42 O.S. 2001, Sections 91, as
5 amended by Section 1, Chapter 214, O.S.L. 2003, 92, 93, 94, 95, 96,
6 97, 98, as amended by Section 1, Chapter 409, O.S.L. 2003, 99, 100
7 and 102 (42 O.S. Supp. 2004, Sections 91 and 98), are hereby
8 repealed.

9 SECTION 5. This act shall become effective November 1, 2005.

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-22-05 - DO
11 PASS, As Amended and Coauthored.