

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 43-32 of the Code of Virginia, relating to mechanic's lien for keeper of*  
3 *garage or marina.*

4 [H 220]

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 as follows:**

8 § 43-32. Lien of keeper of livery stable, garage, marina, etc.

9 A. Every keeper of a livery stable, hangar, tie-down, marina, or garage, and every person pasturing  
10 or keeping any horses or other animals, vehicles, boats, aircraft, or harness, shall have a lien upon such  
11 horses and other animals, vehicles, boats, aircraft, and harness, for the amount which may be due him  
12 for the keeping, supporting, and care thereof, until such amount is paid.

13 B. In the case of any boat, aircraft, or vehicle subject to a chattel mortgage, security agreement, deed  
14 of trust, or other instrument securing money, the keeper of the marina, hangar, tie-down, or garage shall  
15 have a lien thereon for his reasonable charges for storage under this section not to exceed \$300 and for  
16 alteration and repair under § 43-33 not to exceed ~~\$625~~ \$800. However, in the case of a storage lien, to  
17 obtain the priority for an amount in excess of \$150, the person asserting the lien shall give written  
18 notice by certified mail, return receipt requested, to any secured party of record at the Department of  
19 Motor Vehicles or the Department of Game and Inland Fisheries. If the secured party does not, within  
20 seven days of receipt of the notice, take or refuse redelivery to it or its designee, the lienor shall be  
21 entitled to priority for the full \$300. Notwithstanding a redelivery, the vehicle or watercraft shall be  
22 subject to subsection D.

23 C. In addition, any person furnishing services involving the towing and recovery of a boat, aircraft or  
24 vehicle, shall have a lien for all normal costs incident thereto, if the person asserting the lien gives  
25 written notice within seven days of receipt of the boat, aircraft or vehicle by certified mail, return  
26 receipt requested, to all secured parties of record at the Department of Motor Vehicles or the  
27 Department of Game and Inland Fisheries.

28 D. In addition, any keeper shall be entitled to a lien against any proceeds remaining after the  
29 satisfaction of all prior security interests or liens, and may retain possession of such property until such  
30 charges are paid.

31 E. Any lien created under this section shall not extend to any personal property which is not attached  
32 to or considered to be necessary for the proper operation of any motor vehicle, and it shall be the duty  
33 of any keeper of such personal property to promptly return it to the owner.

34 F. For the purposes of this section, in the case of a truck or combination of vehicles, the owner or in  
35 the case of a rented or leased vehicle, the lessee of the truck or tractor truck shall be liable for the costs  
36 of the towing, recovery, and storage of the cargo and of any trailer or semitrailer in the combination.  
37 Nothing in this subsection, however, shall bar the owner of the truck or tractor truck from subsequently  
38 seeking to recover from the owner of any trailer, semitrailer, or cargo all or any portion of these towing,  
39 recovery, and storage costs.

ENROLLED

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