

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 98

An Act to amend and reenact § 43-32 of the Code of Virginia, relating to lien of keeper of livery stable, garage, marina, etc.

[H 2310]

Approved March 20, 2005

Be it enacted by the General Assembly of Virginia:

1. That § 43-32 of the Code of Virginia is amended and reenacted as follows:

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

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

B. In the case of any boat, aircraft, or vehicle subject to a chattel mortgage, security agreement, deed of trust, or other instrument securing money, the keeper of the marina, hangar, tie-down, or garage shall have a lien thereon for his reasonable charges for storage under this section not to exceed ~~\$300~~ \$500 and for alteration and repair under § 43-33 not to exceed \$800. However, in the case of a storage lien, to obtain the priority for an amount in excess of ~~\$150~~ \$300, the person asserting the lien shall *make a reasonable attempt to notify any secured party of record at the Department of Motor Vehicles or the Department of Game and Inland Fisheries by telephonic means and shall give written notice by certified mail, return receipt requested, to any secured party of record at the Department of Motor Vehicles or the Department of Game and Inland Fisheries within three business days of taking possession of the boat, aircraft or vehicle.* If the secured party does not, within ~~seven~~ three business days of receipt of the notice, take or refuse redelivery to it or its designee, the lienor shall be entitled to priority for the full ~~\$300~~ \$500. Notwithstanding a redelivery, the vehicle or watercraft shall be subject to subsection D.

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

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

E. Any lien created under this section shall not extend to any personal property which is not attached to or considered to be necessary for the proper operation of any motor vehicle, and it shall be the duty of any keeper of such personal property to ~~promptly~~ return it to the owner *if the owner claims the items prior to auction.*

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