

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 1164*

Short Title: Mold Lien Act.

(Public)

Sponsors: Representatives McMahan; Allred, Baker, Buchanan, Clary, Gardner, Hill, Pate, Rayfield, and Reynolds..

Referred to: Business and Labor, if favorable, Judiciary I.

May 15, 1996

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR LIEN RIGHTS FOR PERSONS WHO FABRICATE
2 DIES, MOLDS, FORMS, OR PATTERNS AND WHO FABRICATE PRODUCTS
3 FROM DIES, MOLDS, FORMS, OR PATTERNS.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 44A-2 reads as rewritten:

7 **"§ 44A-2. Persons entitled to lien on personal property.**

8 (a) Any person who tows, alters, repairs, stores, services, treats, or improves
9 personal property other than a motor vehicle in the ordinary course of his business
10 pursuant to an express or implied contract with an owner or legal possessor of the
11 personal property has a lien upon the property. The amount of the lien shall be the lesser
12 of

13 (1) The reasonable charges for the services and materials; or

14 (2) The contract price; or

15 (3) One hundred dollars (\$100.00) if the lienor has dealt with a legal
16 possessor who is not an owner.

17 This lien shall have priority over perfected and unperfected security interests.

18 (b) Any person engaged in the business of operating a hotel, motel, or
19 boardinghouse has a lien upon all baggage, vehicles and other personal property brought

1 upon his premises by a guest or boarder who is an owner thereof to the extent of
2 reasonable charges for the room, accommodations and other items or services furnished
3 at the request of the guest or boarder. This lien shall not have priority over any security
4 interest in the property which is perfected at the time the guest or boarder brings the
5 property to said hotel, motel or boardinghouse.

6 (c) Any person engaged in the business of boarding animals has a lien on the
7 animals boarded for reasonable charges for such boarding which are contracted for with
8 an owner or legal possessor of the animal. This lien shall have priority over perfected and
9 unperfected security interests.

10 (d) Any person who repairs, services, tows, or stores motor vehicles in the
11 ordinary course of his business pursuant to an express or implied contract with an owner
12 or legal possessor of the motor vehicle has a lien upon the motor vehicle for reasonable
13 charges for such repairs, servicing, towing, storing, or for the rental of one or more
14 substitute vehicles provided during the repair, servicing, or storage. This lien shall have
15 priority over perfected and unperfected security interests.

16 (e) Any lessor of nonresidential demised premises has a lien on all furniture,
17 furnishings, trade fixtures, equipment and other personal property to which the tenant has
18 legal title and which remains on the demised premises if (i) the tenant has vacated the
19 premises for 21 or more days after the paid rental period has expired, and (ii) the lessor
20 has a lawful claim for damages against the tenant. If the tenant has vacated the premises
21 for 21 or more days after the expiration of the paid rental period, or if the lessor has
22 received a judgment for possession of the premises which is executable and the tenant has
23 vacated the premises, then all property remaining on the premises may be removed and
24 placed in storage. If the total value of all property remaining on the premises is less than
25 one hundred dollars (\$100.00), then it shall be deemed abandoned five days after the
26 tenant has vacated the premises, and the lessor may remove it and may donate it to any
27 charitable institution or organization. Provided, the lessor shall not have a lien if there is
28 an agreement between the lessor or his agent and the tenant that the lessor shall not have
29 a lien. This lien shall be for the amount of any rents which were due the lessor at the time
30 the tenant vacated the premises and for the time, up to 60 days, from the vacating of the
31 premises to the date of sale; and for any sums necessary to repair damages to the
32 premises caused by the tenant, normal wear and tear excepted; and for reasonable costs
33 and expenses of sale. The lien created by this subsection shall be enforced by sale at
34 public sale pursuant to the provisions of G.S. 44A-4(e). This lien shall not have priority
35 over any security interest in the property which is perfected at the time the lessor acquires
36 this lien.

37 (e1) This Article shall not apply to liens created by storage of personal property at a
38 self-service storage facility.

39 (f) Any person who improves any textile goods in the ordinary course of his
40 business pursuant to an express or implied contract with the owner or legal possessor of
41 such goods shall have a lien upon all goods of such owner or possessor in his possession
42 for improvement. The amount of such lien shall be for the entire unpaid contracted
43 charges owed such person for improvement of said goods including any amount owed for

1 improvement of goods, the possession of which may have been relinquished, and such
2 lien shall have priority over perfected and unperfected security interests. 'Goods' as used
3 herein includes any textile goods, yarns or products of natural or man-made fibers or
4 combination thereof. 'Improve' as used herein shall be construed to include processing,
5 fabricating or treating by throwing, spinning, knitting, dyeing, finishing, fabricating or
6 otherwise.

7 (g) Any person who fabricates, casts, or otherwise makes a die, mold, form, or
8 pattern, or who uses a die, mold, form, or pattern to manufacture, assemble, or otherwise
9 make a product pursuant to an express or implied contract with the owner of such die,
10 mold, form, or pattern shall have a lien upon such die, mold, form, or pattern. The
11 amount of the lien shall be for the entire unpaid contracted charges due from the owner
12 for all products made with the die, mold, form, or pattern and for making the die, mold,
13 form, or pattern. This lien shall not have priority over any security interest in the die,
14 mold, form, or pattern which is perfected at the time the person acquires this lien."

15 Sec. 2. This act is effective upon ratification.