

HOUSE BILL No. 4356

February 19, 2009, Introduced by Reps. Proos, Meltzer, Walsh, Marleau, Gregory, Kandrevas, Tyler and Roy Schmidt and referred to the Committee on Judiciary.

A bill to amend 2002 PA 481, entitled
"Special tools lien act,"
by amending section 27 (MCL 570.567).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 27. Subject to section 29, if the special tool builder
2 has not been paid the amount claimed in the notice required under
3 section 25 within ~~90~~30 days after the notice ~~required under~~
4 ~~section 25~~ has been received by the customer and the end user, the
5 special tool builder has a right to **IMMEDIATE** possession of the
6 special tool and may enforce the right to **IMMEDIATE** possession of
7 the special tool by judgment, foreclosure, or any available
8 judicial procedure, **INCLUDING A MOTION ALLOWED UNDER THE COURT**
9 **RULES**. The special tool builder may do 1 or ~~more~~**BOTH** of the
10 following:

11 (a) Take **IMMEDIATE** possession of the special tool. The special

1 tool builder may take **IMMEDIATE** possession without judicial process
2 if this can be done without breach of the peace.

3 (b) Sell the special tool in a public auction.

4 Enacting section 1. This amendatory act does not take effect
5 unless all of the following bills of the 95th Legislature are
6 enacted into law:

7 (a) Senate Bill No.____ or House Bill No.____ (request no.
8 00243'09 *).

9 (b) Senate Bill No.____ or House Bill No. 4357(request no.
10 00245'09 *).