

# HOUSE BILL No. 4357

February 19, 2009, Introduced by Reps. Meadows, Gregory, Kandreas, Meltzer, Proos, Walsh, Marleau, 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 31 (MCL 570.571).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 31. (1) If the proceeds of ~~the~~**A sale UNDER SECTION 27**  
2 are greater than the amount of the lien, the proceeds shall first  
3 be paid to the special tool builder in the amount necessary to  
4 satisfy the lien **AND ANY INTEREST, ATTORNEY FEES, COURT COSTS, AND**  
5 **EXPENSES AWARDED UNDER SUBSECTION (3)**. All proceeds in excess of  
6 the ~~lien~~**AMOUNT PAID TO THE SPECIAL TOOL BUILDER** shall be paid to  
7 the customer.

8           (2) A sale shall not be made or possession shall not be  
9 obtained under section 27 if it would be in violation of any right  
10 of a customer or end user under federal patent, bankruptcy, or  
11 copyright law.

1           (3) IF A SPECIAL TOOL BUILDER PREVAILS IN AN ACTION TO ENFORCE  
2 A PERFECTED LIEN CREATED UNDER SECTION 23, THE COURT SHALL AWARD  
3 THE SPECIAL TOOL BUILDER INTEREST UNDER SECTION 6455 OF THE REVISED  
4 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.6455, REASONABLE  
5 ATTORNEY FEES, COURT COSTS, AND EXPENSES RELATED TO THE ENFORCEMENT  
6 OF THE LIEN AND SALE.

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

10           (a) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
11 00243'09 \*).

12           (b) Senate Bill No.\_\_\_\_ or House Bill No. 4356 (request no.  
13 00244'09 \*).