

SENATE BILL No. 344

March 5, 2009, Introduced by Senators ALLEN, BASHAM, BARCIA, PAPPAGEORGE and RICHARDVILLE and referred to the Committee on Commerce and Tourism.

A bill to amend 1981 PA 155, entitled

"An act to provide for ownership rights in dies, molds, and forms for use in the fabrication of plastic parts under certain conditions and to establish a lien on certain dies, molds, and forms,"

by amending section 9 (MCL 445.619), as added by 2002 PA 17, and by adding section 9a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. ~~(1) A moldbuilder shall permanently record on every~~
2 ~~die, mold, or form that the moldbuilder fabricates, repairs, or~~
3 ~~modifies the moldbuilder's name, street address, city, and state.~~

4 (1) ~~(2)~~ A moldbuilder shall file a financing statement in
5 accordance with the requirements of section 9502 of the uniform
6 commercial code, 1962 PA 174, MCL 440.9502.

7 (2) ~~(3)~~ A moldbuilder has a lien on any die, mold, or form
8 ~~identified pursuant to subsection (1)~~ **THAT THE MOLDBUILDER**

FABRICATES, REPAIRS, OR MODIFIES. The amount of the lien is the amount that a customer or molder owes the moldbuilder for the fabrication, repair, or modification of the die, mold, or form. The ~~information that the moldbuilder is required to record on the die, mold, or form under subsection (1) and the financing statement required under subsection (2) shall constitute (1)~~ **CONSTITUTES** actual and constructive notice of the moldbuilder's lien on the die, mold, or form.

(3) ~~(4) The A~~ moldbuilder's lien **CREATED UNDER THIS ACT** attaches when ~~actual or constructive notice is received~~ **THE DIE, MOLD, OR FORM IS DELIVERED FROM THE MOLDBUILDER TO THE CUSTOMER OR MOLDER.** The moldbuilder retains the lien that attaches under this section even if the moldbuilder is not in physical possession of the die, mold, or form for which the lien is claimed.

(4) ~~(5) The A~~ lien **CREATED UNDER THIS ACT** remains valid until the first of the following events takes place:

(a) The moldbuilder is paid the amount owed by the customer or molder.

(b) The customer receives a verified statement from the molder that the molder has paid the amount for which the lien is claimed.

(c) The financing statement is terminated.

(5) ~~(6) The~~ priority of a lien created under this act on the same die, mold, or form shall be determined by the time the lien attaches. The first lien to attach ~~shall have~~ **HAS** priority over liens that attach ~~subsequent to~~ **AFTER** the first lien.

SEC. 9A. (1) A PROVISION OF A CONTRACT THAT WAIVES A MOLDBUILDER'S RIGHT OR AN OBLIGATION OF A PERSON ESTABLISHED BY

1 SECTIONS 9 TO 10C IS VOID AND UNENFORCEABLE AS AGAINST PUBLIC
2 POLICY.

3 (2) A PROVISION OF A CONTRACT THAT REQUIRES THE APPLICATION OF
4 THE LAW OF ANOTHER STATE RATHER THAN SECTIONS 9 TO 10C IS VOID AND
5 UNENFORCEABLE AS AGAINST PUBLIC POLICY.

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

9 (a) House Bill No. 4359.

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11 (b) House Bill No. 4358.

12