

# SENATE BILL No. 345

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

A bill to amend 2002 PA 481, entitled  
"Special tools lien act,"  
by amending section 23 (MCL 570.563) and by adding section 24.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 23. ~~(1) A special tool builder shall permanently record~~  
2 ~~on every special tool that the special tool builder fabricates,~~  
3 ~~repairs, or modifies the special tool builder's name, street~~  
4 ~~address, city, and state.~~

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

8       (2) ~~(3)~~ A special tool builder has a lien on any special tool  
9 ~~identified pursuant to subsection (1)~~ **THAT THE SPECIAL TOOL BUILDER**  
10 **FABRICATES, REPAIRS, OR MODIFIES.** The amount of the lien is the  
11 amount that a customer or end user owes the special tool builder  
12 for the fabrication, repair, or modification of the special tool.

~~The information that the special tool builder is required to record on the special tool under subsection (1) and the financing statement required under subsection (2) shall constitute (1)~~  
**CONSTITUTES** actual and constructive notice of the special tool builder's lien on the special tool.

**(3) ~~(4)~~ The A** special tool builder's lien **CREATED UNDER THIS ACT** attaches when ~~actual or constructive notice is received THE SPECIAL TOOL IS DELIVERED FROM THE SPECIAL TOOL BUILDER TO THE CUSTOMER OR END USER.~~ The special tool builder retains the lien that attaches under this section even if the special tool builder is not in physical possession of the special tool 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 special tool builder is paid the amount owed by the customer or end user.

(b) The customer receives a verified statement from the end user that the end user 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 a special tool 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. 24. (1) A PROVISION OF A CONTRACT THAT WAIVES A SPECIAL TOOL BUILDER'S RIGHT OR AN OBLIGATION OF A PERSON ESTABLISHED BY SECTIONS 23 TO 31 IS VOID AND UNENFORCEABLE AS AGAINST PUBLIC**

1 POLICY.

2 (2) A PROVISION OF A CONTRACT THAT REQUIRES THE APPLICATION OF  
3 THE LAW OF ANOTHER STATE RATHER THAN SECTIONS 23 TO 31 IS VOID AND  
4 UNENFORCEABLE AS AGAINST PUBLIC POLICY.

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

8 (a) House Bill No. 4356.

9

10 (b) House Bill No. 4357.

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