

LIENS

CHAPTER 217

H. B. No. 593
(Siverson and Trydal)

REPAIRMAN'S LIENS

AN ACT

To amend and reenact sections 35-1302, 35-1303, and 35-1304 of the North Dakota Revised Code of 1943 and section 35-1301 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to repairman's liens.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 35-1301 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-1301. LIEN FOR REPAIRS ON PERSONALTY; WHO MAY HAVE.) Any blacksmith, machinist, farm equipment dealer, welder, garage keeper, mechanic or aviation operator, having an established place of business within this state who makes, alters, or repairs any automobile, truck, engine, threshing machine, combine, tractor, power-driven farm equipment, well machine, or aircraft at the request of the owner or legal possessor of the property shall have a lien thereon, and on any accessories and parts placed upon the same, for his reasonable charges for work done and materials furnished, until the charges are paid.

§ 2. AMENDMENT.) Section 35-1302 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-1302. LIEN STATEMENT; CONTENTS; WHEN REQUIRED; FILING.) When a person entitled to a lien under this chapter retains possession of the property made, altered, or repaired, he shall not be required to file any statement to perfect his lien, but when he shall relinquish the possession of the property so made, altered, or repaired, he, within ninety days after the materials are furnished or the labor is performed, shall file in the office of the register of deeds of the county in which the owner or legal possessor of the property resides, a verified statement in writing showing:

1. The labor performed;
2. The materials furnished;
3. The price agreed upon for the labor performed or materials furnished, or, if no price was agreed upon, the reasonable value thereof;
4. The name of the person for whom the labor was performed or to whom the materials were furnished; and
5. A description of the property upon which the lien is claimed.

Unless the person entitled to the lien shall file such statement within the time limited in this section, he shall be deemed to have waived his right to a lien.

§ 3. AMENDMENT.) Section 35-1303 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-1303. SEPARATE ARTICLES OF PERSONAL PROPERTY MAY BE INCLUDED IN ONE LIEN STATEMENT.) If any person entitled to a lien under this chapter makes, alters, or repairs more than one article of personal property for the same owner or legal possessor thereof, he may include all the articles of personal property so made, altered, or repaired within ninety days preceding the filing of the lien statement in the same statement, and the statement shall have the same force and effect as to each article enumerated therein as though a separate statement had been filed for each such article.

§ 4. AMENDMENT.) Section 35-1304 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-1304. PRIORITY OF LIEN.) A lien obtained under this chapter shall have priority over all other liens, chattel mortgages, or encumbrances against the personal property upon which the lien is secured if the lien does not exceed one hundred and fifty dollars. Any amount of the lien in excess of one hundred and fifty dollars shall be a lien upon the property subject to any prior encumbrances thereon.

Approved March 12, 1953.