

CHAPTER NO. 210

SENATE BILL NO. 187

By Burchett, Davis, Person, Williams, Ramsey, Crowe

Substituted for: House Bill No. 198

By Bittle, Curtiss

AN ACT To amend Tennessee Code Annotated, Title 66, Chapter 19, Part 2, relative to the enforcement of liens by a marina.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 19, Part 2, is amended by adding the following language as a new, appropriately designated section:

§ 66-19-212.

(a) A marina shall be entitled to a lien upon any vessel or personal watercraft, which lawfully comes into the marina's possession and is retained pending payment of all reasonable charges due. IF three (3) months or more have elapsed since the contractually-prescribed due date for payment of such charges, THEN the marina may enforce such lien in the manner prescribed for the enforcement of artisans' liens under §§66-14-102 - 66-14-106, after reasonable inquiry and notice to interested parties.

(b) Notwithstanding any provision of law to the contrary,

IF, in the case of a personal watercraft, the marina submits a search request for the filing of a security interest under the Uniform Commercial Code; OR, in the case of a vessel, the marina submits a search request to the U.S. Coast Guard; AND

IF, thereafter, the marina sends, by certified mail, return receipt requested, notice of intent to enforce the lien to all known owners, all known interested parties, and to any other owner or interested party discernible through reasonable effort; AND

IF, thereafter, the marina advertises notice of intent to enforce the lien at least once a week for two (2) or more consecutive weeks in a newspaper of general circulation within the locality where the sale is to be held; THEN,

For purposes of subsection (a), there shall be a rebuttable presumption of reasonable inquiry and notice to interested parties.

(c) In addition to the method of enforcement authorized by this section, the lien may be enforced, in the alternative, by the marina complying with the provisions contained in the other sections of this part.

(d) As used in this section:

(1) "Marina" means a marina, boat dock, dry dock, or dry storage facility;

(2) "Personal watercraft" has the same meaning as this term is defined in §69-10-501;

(3) "Vessel" has the same meaning as this term is defined in §69-10-204(27).

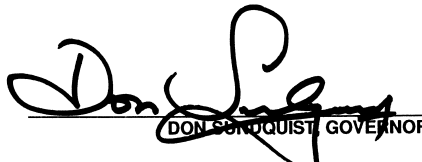
SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.

PASSED: May 9, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of May 2001


DON SUNDQUIST, GOVERNOR