

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 174

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; REPEALING CHAPTER 18, TITLE 49, IDAHO CODE, RELATING TO TOWING AND STORAGE OF MOTOR VEHICLES; AMENDING TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 49, IDAHO CODE, TO PROHIBIT VEHICLE ABANDONMENT, TO PROVIDE FOR PRESUMED RESPONSIBILITY, TO PROVIDE FOR REMOVAL OF STOLEN VEHICLES, TO PROVIDE FOR REMOVAL DUE TO ACCIDENT, ARREST, OR EXTRAORDINARY CIRCUMSTANCES, TO PROVIDE FOR REMOVAL OF ROADSIDE ABANDONED VEHICLES, TO PROVIDE FOR REMOVAL AND BOOTING OF UNAUTHORIZED AND ABANDONED VEHICLES FROM REAL PROPERTY, TO PROVIDE FOR TOWED VEHICLE REMOVAL AND NOTIFICATION REQUIREMENTS, TO PROVIDE FOR DECLARATIONS OF OPPOSITION, TO PROVIDE FOR A TOW PROCEDURE HEARING, TO ESTABLISH PROVISIONS REGARDING CHARGES NOT OTHERWISE PROVIDED FOR, TO PROVIDE FOR THE CLAIMING OF VEHICLES AND REFUSAL TO RELEASE A VEHICLE, TO PROVIDE FOR A STATE POLICE-AUTHORIZED TOW LIST AND CERTAIN BACKGROUND CHECKS, TO PROVIDE FOR LOCAL GOVERNMENT TOW LISTS, TO PROVIDE FOR FEES, STORAGE, AND ACCESS TO VEHICLES, TO PROVIDE FOR FEES RELATED TO INFORMATION REQUESTS, TO ESTABLISH AN ABANDONED VEHICLE TRUST ACCOUNT, AND TO PROVIDE FOR UNIFORMITY THROUGHOUT THE STATE AND PREEMPTION; AMENDING SECTION 45-805, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 18, Title 49, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 18, Title 49, Idaho Code, and to read as follows:

CHAPTER 18
TOWING AND STORAGE OF MOTOR VEHICLES

49-1801. ABANDONMENT PROHIBITED. (1) No person shall abandon a vehicle upon any highway.

(2) No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

49-1802. PRESUMED RESPONSIBILITY. (1) The abandonment of any vehicle shall create a prima facie presumption that the last registered owner of record is responsible for the abandonment and is thereby liable for the costs incurred in the removal, storage, and disposition of the vehicle, less any amount received from the disposition of the vehicle.

(2) The owner of any vehicle removed pursuant to this chapter is presumed responsible for the vehicle and is thereby liable for the costs

1 incurred in the removal, storage, and disposition of the vehicle, less any
2 amounts received from the disposition of the vehicle.

3 (3) If a vehicle is found abandoned or found under extraordinary cir-
4 cumstances and is removed at the direction of any authorized officer and is
5 not redeemed by the owner or lienholder within seven (7) days of the tow, the
6 last registered owner of record is guilty of a traffic infraction, unless the
7 owner has filed a release of liability with the department pursuant to sec-
8 tion 49-526, Idaho Code, in which case the transferee shown on the release of
9 liability shall be guilty of a traffic infraction.

10 (4) Vehicles towed under the provisions of this chapter cannot be dis-
11 posed of without a title or a junk certificate.

12 (5) If a law enforcement agency places a call or requests a tow company
13 to remove a vehicle, it shall be classified as a law enforcement-directed tow
14 and the provisions of this chapter shall apply.

15 49-1803. REMOVAL OF STOLEN VEHICLES. (1) Any authorized officer, upon
16 discovery of a vehicle reported as stolen and not recovered, may cause it to
17 be taken to and stored in an authorized impound yard in the custody of a tow
18 company.

19 (2) Within forty-eight (48) hours, excluding weekends and holidays, of
20 the time that the vehicle is taken into custody and is stored pursuant to this
21 section, the agency of which the officer is an agent shall make a reason-
22 able effort to obtain the vehicle owner information from the agency that the
23 stolen vehicle report was filed with and contact the owner by email or phone.
24 If contact is made and no action is taken by the owner or insurance company
25 within seven (7) days or no contact is made within forty-eight (48) hours,
26 the agency shall give written notice by certified mail to the registered and
27 legal owners of the vehicle, if known. The notice shall state:

28 (a) That the vehicle has been taken into custody and stored;

29 (b) The location of storage of the vehicle;

30 (c) The identification of the officer;

31 (d) A description of the vehicle, including make, year, model, identi-
32 fication number, license number, and state of registration; and

33 (e) The statutory authority for storage.

34 (3) If the vehicle is not claimed within thirty (30) days, it shall be
35 considered stolen and not recovered and treated as an abandoned vehicle,
36 subject to the provisions of section 49-1807, Idaho Code. The storage time
37 accrued under this section may be added to the storage time required through
38 the abandoned vehicle process, pursuant to section 49-1814(3), Idaho Code,
39 if the vehicle was stored at a tow company facility during the stolen vehicle
40 investigation and notification process.

41 49-1804. REMOVAL OF ACCIDENTS -- DRIVER ARRESTS -- VEHICLES FOUND UN-
42 DER EXTRAORDINARY CIRCUMSTANCES. Any authorized officer who dispatches a
43 call to request the removal of a vehicle under the authority of this chapter
44 or the provisions of section 49-662, Idaho Code, as the result of an acci-
45 dent, the driver being arrested, or other extraordinary circumstances may
46 immediately cause the vehicle to be placed in the custody of a tow company.

1 49-1805. REMOVAL OF ROADSIDE ABANDONED VEHICLES. (1) Upon discovery
 2 of an abandoned vehicle other than under extraordinary circumstances, an
 3 authorized officer shall attach on the vehicle, in plain view, a notice that
 4 the vehicle will be towed away after forty-eight (48) hours. The notice
 5 shall contain:

- 6 (a) The name of the officer who prepared the notice;
- 7 (b) The name of the agency employing the officer;
- 8 (c) The time and date of attaching the notice;
- 9 (d) The time and date after which the vehicle will be removed; and
- 10 (e) The telephone number and address of the agency where further infor-
- 11 mation can be obtained.

12 (2) A reasonable attempt shall be made to notify the owner of any vehi-
 13 cle that has current license plates and registration as shown on the records
 14 of the department prior to the expiration of the forty-eight (48) hour no-
 15 tice period. Such notice shall include the location of the vehicle and the
 16 time and date of intent to remove the vehicle. The inability of an officer to
 17 notify the owner shall not preclude the removal of the vehicle at the expira-
 18 tion of the forty-eight (48) hour period provided for in this section.

19 49-1806. REMOVAL OR BOOTING OF UNAUTHORIZED AND ABANDONED VEHICLES
 20 FROM REAL PROPERTY. (1) Any person having possession or control of real prop-
 21 erty who finds an unauthorized vehicle standing on his property is permitted
 22 to have the vehicle removed or booted if there is posted on or near the prop-
 23 erty in a clearly conspicuous location, in large print, a sign or notice that
 24 unauthorized vehicles will be removed or booted at the owner's expense and
 25 designating the name of the towing firm. Unauthorized vehicles need not meet
 26 the provisions of section 49-102(2), Idaho Code, in this instance.

27 (2) Any person having possession or control of real property who finds
 28 an abandoned vehicle standing on his property when the property is not posted
 29 as set out in subsection (1) of this section may contact a tow company to re-
 30 move the vehicle. The tow company shall have the person having possession
 31 or control of the property sign a release form to the tow company identifying
 32 himself as the person having possession or control of real property, identi-
 33 fying the vehicle being removed, and taking responsibility for the removal
 34 of the vehicle.

35 (3) No vehicle shall be considered unauthorized and subject to removal
 36 or booting pursuant to the provisions of this subsection solely on the basis
 37 of the vehicle having expired or improper vehicle registration. All other
 38 provisions of this chapter shall be complied with.

39 49-1807. TOWED VEHICLE REMOVAL AND NOTIFICATION REQUIREMENTS. (1)
 40 Whenever a vehicle is towed pursuant to sections 49-1803 through 49-1806,
 41 Idaho Code, the following procedures shall be followed:

42 (a) Law enforcement shall:

43 (i) At the time of tow, except for vehicles towed under section
 44 49-1806, Idaho Code, complete a notice form containing at least
 45 the following information:

- 46 1. A complete vehicle description, including license plate
- 47 number, if available, and vehicle identification number;
- 48 2. The time, date, and reason for the tow;

3. The name of the law enforcement agency directing the tow and the case number assigned;
 4. The name and badge number of the authorized officer;
 5. The name, address, and telephone number of the tow company;
 6. The storage location of the vehicle; and
 7. The signature of the tow truck operator taking receipt of the vehicle and contents;
 - (ii) Provide a copy of the notice pursuant to subparagraph (i) of this paragraph to the tow company to authorize towing of the vehicle. A copy shall be provided to the legal or registered owner at the scene, if applicable. The notification provided pursuant to subparagraph (i) of this paragraph shall be in addition to all notices required for vehicle disposal procedures contained in this chapter;
 - (iii) Not delegate authorization of the towing of vehicles as described in this chapter to a nongovernmental entity; and
 - (iv) Report the tow in the Idaho public safety and security information system;
- (b) The tow company shall:
- (i) Report the tow in the department's towed vehicle portal within one (1) business day of the tow, excluding weekends and holidays, pursuant to applicable procedures; and
 - (ii) Apply to the department for a title or junk certificate after thirty (30) days from the date of first notification as long as the following conditions have been met:
 1. The vehicle has not been claimed;
 2. No declaration of opposition was received or the declaration of opposition timeline has elapsed; or
 3. If a tow procedure hearing was conducted, it was determined in the favor of the agency; and
- (c) The department shall:
- (i) Provide the title and insurance information the department has on record when the tow company enters the tow record into the portal;
 - (ii) Notify the vehicle's owners and lienholders on record using:
 1. If the owner or lienholder signed up for electronic notifications:
 - (A) Within one (1) business day of the tow company reporting a tow in the portal, an electronic notification;
 - (B) If the vehicle is not claimed within five (5) business days after being reported in the portal, a second notice by first class mail; and
 - (C) If the vehicle is not claimed within fifteen (15) business days after being reported in the portal, a third notice by first class mail; or
 2. If the owner or lienholder has not signed up for electronic notifications:

(A) Within one (1) business day after a tow company reports a tow in the portal, notification by first class mail; and

(B) If the vehicle is not claimed within ten (10) business days after being reported in the portal, a second notice by first class mail; and

(iii) Issue a title or junk certificate to the towing company clear of any liens after thirty (30) days from the date of first notification if all applicable procedures of this chapter were followed and the conditions of paragraph (b) (ii) of this subsection have been met.

(2) The notifications in subsection (1) (c) of this section shall include the following information:

(a) A description of the vehicle that includes, if available, the make, model, year, vehicle identification number, and license plate number;

(b) The name, address, and telephone number of the tow company;

(c) The date, time, and reason for tow;

(d) The location of the place of storage;

(e) The amount owed for towing;

(f) The daily rate for storage;

(g) The right to a tow procedure hearing pursuant to section 49-1809, Idaho Code;

(h) The right to claim personal property; and

(i) The right to file a declaration of opposition pursuant to section 49-1808, Idaho Code.

49-1808. DECLARATION OF OPPOSITION. (1) In the event that the legal or registered owner of a vehicle towed under the provisions of this chapter wishes to dispute the fees, claim, disposition, or other issues related to the possessory lienholder, the owner may file a declaration of opposition with the department.

(2) The declaration of opposition must be received by the department within twenty (20) calendar days after the date of the first notification sent by the department pursuant to section 49-1807(1) (c), Idaho Code.

(3) The declaration of opposition shall give the declarant ten (10) calendar days after the date the declaration was filed with the department to file legal action against the possessory lienholder.

(4) If the declarant files a legal action against the possessory lienholder, the disposition of the vehicle shall be paused pending the outcome of the court proceedings.

(5) The declarant may be liable for court costs if a judgment is entered in favor of the possessory lienholder.

49-1809. TOW PROCEDURE HEARING. (1) Whenever an authorized officer initiates the tow or storage of a vehicle pursuant to the provisions of sections 49-1804 and 49-1805, Idaho Code, the agency authorizing the tow or storage shall provide the vehicle's registered and legal owners of record or their agents with the opportunity for a tow procedure hearing to determine the validity of the storage.

(2) In order to receive a tow procedure hearing, the owners or their agents must send a request for hearing in writing, to the department, within ten (10) calendar days of the date of the initial notice, pursuant to section 49-1807(1)(c), Idaho Code. Any such hearing shall be conducted within forty-eight (48) hours of the request, excluding weekends and holidays. The public agency may authorize its own officer or employee to conduct the hearing, as long as the hearing officer is not the same person who directed the storage of the vehicle.

(3) Failure of either the titled or legal owner or his agent to request or to attend a scheduled hearing shall satisfy the tow procedure hearing requirement as to that person.

(4) The provisions of this section shall not apply to vehicles removed from posted property pursuant to section 49-1806, Idaho Code.

(5) The agency employing the person who authorized the tow shall be responsible for the costs incurred for towing and storage if it is determined in the hearing that reasonable cause for the tow and storage cannot be established.

49-1810. CHARGES NOT OTHERWISE PROVIDED FOR. Every tow company in the process of towing, removing, or impounding a vehicle as directed by an authorized officer, except vehicles towed as part of an investigation or that are suspected stolen, shall upon request of the owner or his authorized agent release the vehicle at the scene. If the vehicle is attached to the tow truck, or otherwise in tow, the regular, scheduled tow fee may be charged. When the vehicle is not yet in tow at the time of request, the release must be made, and no charge may be assessed except a customary and reasonable charge for mileage one way from the towing company's place of storage to the scene plus the usual fee for the tow truck operator. If the authorized fee is not tendered by the owner or his agent, the towing operator may complete the impoundment, towing, or removal, as authorized.

49-1811. CLAIMING OF VEHICLE -- REFUSAL TO RELEASE VEHICLE. (1) The owner or lienholder of any vehicle removed or booted under the provisions of this chapter, except those vehicles impounded for investigation or suspected stolen, may take possession of the vehicle at any time prior to disposition by proving ownership and paying the costs relative to towing and storing or booting the vehicle.

(2) Unauthorized removal of any vehicle towed or booted under the provisions of this chapter without payment in full of all charges and costs that have been incurred under the provisions of this chapter shall be a misdemeanor, and the vehicle may be recovered and returned to the place of storage.

(3) Nothing in this chapter shall be construed to abate any cause of action that a lienholder has against the owner of an abandoned vehicle.

(4) Any insurer having a claim made against it pertaining to any vehicle removed or booted under the provisions of this chapter, except those vehicles impounded for investigation or suspected stolen, may take possession of the vehicle at any time prior to the settlement of such claim following determination by such insurer that the vehicle has been determined by such insurer to be a total loss, obtaining verbal consent of the owner and by paying

the lawfully entitled costs relative to towing and storing the vehicle. The insurer holding facility shall allow the vehicle owner or his representative access to the vehicle upon the vehicle owner or his representative providing evidence of ownership. Personal property, including items not attached or related to the vehicle, must be returned to the vehicle owner pursuant to section 49-1814(4), Idaho Code. If no total loss settlement is reached, the insurer shall return the vehicle to a mutually agreed upon location. Any holding facility that releases a vehicle pursuant to the provisions of this subsection shall be held harmless for the release of such vehicle. The insurer shall provide the location and telephone number of the insurer holding facility to the vehicle owner or his representative.

(5) Any towing company that tows a vehicle pursuant to this chapter shall take the vehicle to such place as the owner or his authorized agent with a power of attorney may reasonably request. If such a request is not received, the towing company shall take the vehicle to its nearest place of safe storage. The towing company shall not be entitled to recover any storage fees, impound fees, unauthorized repair fees, or other fees, except the scheduled tow fee, if the towing company:

(a) Removes the vehicle to a place other than as directed by the officer or as reasonably requested by the owner or his authorized agent with a power of attorney;

(b) After removing the vehicle, refuses to release the vehicle to the owner, his authorized agent, insurance representative, or lienholder for any reason other than the refusal of the owner, authorized agent, insurance representative, or lienholder to pay the fees to which the towing company is lawfully entitled. The refusal of the owner, his authorized agent, insurance representative, or lienholder to pay fees to which the towing company is not entitled pursuant to this subsection shall not be cause for the tow company to refuse to release the vehicle; or

(c) Performs repairs or makes improvements, for any reason, without a signed work order or recorded verbal consent from the owner, his authorized agent, insurance representative, or lienholder.

(6) Upon release of the vehicle to the legal or registered owner, authorized agent, or insurance representative, the towing company shall provide an itemized statement containing the following:

(a) The location from which the vehicle was towed;

(b) The storage location of the vehicle;

(c) The name, address, and telephone number of the tow company;

(d) The year, make, and model of the vehicle towed;

(e) The license plate number of the vehicle towed;

(f) The itemized cost of towing and recovery charges; and

(g) The daily storage charge and number of days stored.

49-1812. IDAHO STATE POLICE AUTHORIZED TOW LIST -- BACKGROUND CHECKS. The Idaho state police shall establish and maintain an authorized tow list. To determine the suitability of applicants for inclusion on the Idaho state police-authorized tow list, the Idaho state police shall require every applicant towing firm owner, driver, and operator to provide information and fingerprints necessary to obtain criminal history information from

1 the Idaho state police bureau of criminal identification and the federal bu-
 2 reau of investigation. The cost of taking and processing such fingerprints
 3 shall be the responsibility of the applicant. Pursuant to section 67-3008,
 4 Idaho Code, the Idaho state police shall submit a set of fingerprints ob-
 5 tained from the applicant and the required fees to the Idaho state police
 6 bureau of criminal identification for a criminal records check of state and
 7 national databases. The Idaho state police may receive criminal history
 8 information from the Idaho state police bureau of criminal identification
 9 and from the federal bureau of investigation for the purpose of evaluating
 10 the fitness of applicants for inclusion on the Idaho state police-authorized
 11 tow list.

12 49-1813. LOCAL GOVERNMENT TOW LISTS. Any county or city, including any
 13 law enforcement agency of a county or city, that maintains an authorized tow
 14 list shall document and make publicly available the qualifications to be
 15 added to or removed from such tow list.

16 49-1814. FEES, STORAGE, AND ACCESS TO VEHICLE. (1) Whenever a vehi-
 17 cle has been towed under the provisions of this chapter, reasonable efforts
 18 shall be made to secure and prevent further damage to the vehicle being
 19 stored.

20 (2) A towing company shall furnish its rate sheet to the department for
 21 law enforcement-directed tows. The department shall make the rate sheet
 22 available to the public and the rate sheet shall also be posted at the towing
 23 company's place of business and be made available upon request to consumers.
 24 Tow fees shall not vary based on the value of the vehicle and a charge more
 25 than what is reflected on the rate sheet for any service shall be deemed ex-
 26 cessive.

27 (3) The maximum storage limit shall not exceed sixty (60) days from the
 28 date of tow. If the tow was reported in the portal within one (1) business
 29 day, excluding weekends and holidays, storage fees may begin from the date of
 30 tow. If the tow was not reported in the portal within one (1) business day,
 31 excluding weekends and holidays, storage fees shall not begin accumulating
 32 until the tow is reported in the portal by the towing company.

33 (4) Any vehicle stored under the provisions of this chapter, except ve-
 34 hicles being stored as part of a law enforcement investigation, shall:

35 (a) Be made available for physical inspection by the legal or regis-
 36 tered owner, authorized agent with a valid power of attorney, or insur-
 37 ance representative during reasonable business hours at no additional
 38 charge; and

39 (b) Have no lien attached to any personal property in or on the vehi-
 40 cle. Personal property in or on the vehicle shall be given to the regis-
 41 tered owner or the owner's authorized agent, if such agent has a valid
 42 power of attorney, during reasonable business hours at no additional
 43 charge, upon demand. The possessory lienholder shall not be responsi-
 44 ble for personal property not attached to the vehicle after any vehicle
 45 has been disposed of pursuant to this chapter.

1 49-1815. FEE TO ACCOMPANY INFORMATION REQUEST. Upon entering the
2 towed vehicle information into the portal, the department shall receive a
3 fee in accordance with section 49-202(2)(g), Idaho Code.

4 49-1816. ABANDONED VEHICLE TRUST ACCOUNT -- APPROPRIATION AND
5 USE. (1) There is hereby established in the state treasury the abandoned
6 vehicle trust account. There shall be set aside, paid into, and credited to
7 the fund the fees authorized under section 31-3201F, Idaho Code, collected
8 by the district courts.

9 (2) Moneys deposited in the abandoned vehicle trust account are hereby
10 continuously appropriated to the department for the purposes of satisfying
11 allowable claims and reimbursing the costs of administering the provisions
12 of this chapter.

13 (3) Each fee collected by the district courts pursuant to section
14 31-3201F, Idaho Code, shall be distributed as follows:

15 (a) Seventy-five dollars (\$75.00) to the law enforcement agency that
16 directed the tow of the vehicle involved in the infraction; and

17 (b) Seventy-five dollars (\$75.00) to the towing company that towed the
18 vehicle involved in the infraction.

19 (4) Fees shall be distributed to law enforcement agencies and towing
20 companies on a monthly basis.

21 49-1817. PROVISIONS OF SECTIONS UNIFORM THROUGHOUT STATE. The provi-
22 sions of this chapter shall be applicable and uniform throughout the state
23 and in all political subdivisions. No local or state authority shall enact
24 or enforce any ordinance, rule, or regulation in conflict with the provi-
25 sions of this chapter.

26 SECTION 3. That Section 45-805, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 45-805. LIENS FOR SERVICES ON OR CARING FOR PROPERTY. (a) Every person
29 who, while lawfully in possession of an article of personal property, ren-
30 ders any service to the owner thereof, by labor, or skill, employed for the
31 protection, improvement, safekeeping, or carriage thereof, has a special
32 lien thereon, dependent on possession, for the compensation, if any, which
33 is due him from the owner, for such service. If the liens as herein provided
34 are not paid within sixty (60) days after the work is done, service rendered
35 or materials supplied, the person in whose favor such special lien is cre-
36 ated may proceed to sell the property at a public auction after giving ten
37 (10) days' public notice of the sale by advertising in some newspaper pub-
38 lished in the county where the property is situated, or if there is no news-
39 paper published in the county then by posting notices of the sale in three
40 (3) of the most public places in the county for ten (10) days previous to such
41 sale. The person shall also send the notice of auction to the owner or owners
42 of the property and to the holder or holders of a perfected security interest
43 in the property as provided in subsection (c) of this section. The person who
44 is about to render any service to the owner of an article of personal prop-
45 erty by labor or skill employed for the protection, improvement, safekeeping
46 or carriage thereof may take priority over a prior perfected security inter-
47 est by, before commencing any such service, giving notice of the intention

1 to render such service to any holder of a prior perfected security interest
 2 at least three (3) days before rendering such service. If the holder of the
 3 security interest does not notify said person, within three (3) days that it
 4 does not consent to the performance of such services, then the person render-
 5 ing such service may proceed and the lien provided for herein shall attach to
 6 the property as a superior lien. The provisions of this section shall not ap-
 7 ply to a motor vehicle subject to the provisions of ~~sections 49-1809 through~~
 8 ~~49-1818~~ chapter 18, title 49, Idaho Code.

9 (b) Livery or boarding or feed stable proprietors, and persons pastur-
 10 ing livestock of any kind, have a lien, dependent on possession, for their
 11 compensation in caring for, boarding, feeding or pasturing such livestock.
 12 If the liens as herein provided are not paid within sixty (60) days after the
 13 work is done, service rendered, or feed or pasturing supplied, the person in
 14 whose favor such special lien is created may proceed to sell the property at
 15 a licensed public livestock auction market, or if the lien is on equines, to
 16 sell the animals at a sale offered to the public, after giving ten (10) days'
 17 notice to the owner or owners of the livestock and the state brand inspector.
 18 The information contained in such notice shall be verified and contain the
 19 following:

20 (1) The time, place and date of the licensed public livestock auction
 21 market, or in the case of equines, the time, place and date of the sale
 22 offered to the public;

23 (2) The name, address and phone number of the person claiming the lien;

24 (3) The name, address and phone number of the owner or owners of the
 25 livestock upon which the lien has been placed;

26 (4) The number, breed and current brand of the livestock upon which the
 27 lien has been placed; and

28 (5) A statement by the lienor that the requirements of this section have
 29 been met.

30 (c) Notices provided in subsections (a) and (b) of this section shall
 31 be made by personal service or by certified or registered mail to the last
 32 known address of the owner or owners and any holder of a prior perfected secu-
 33 rity interest. The proceeds of the sale must be applied to the discharge of
 34 any prior perfected security interest, the lien created by this section and
 35 costs; the remainder, if any, must be paid over to the owner.

36 SECTION 4. This act shall be in full force and effect on and after Jan-
 37 uary 1, 2026.