

CHAPTER 35-14 GARAGE KEEPER'S STORAGE LIEN

35-14-01. Lien for storage of motor vehicles - Possession.

Any person engaged in the business of keeping a garage or place for the storage of motor vehicles who, in connection therewith, stores or keeps any motor vehicle at the request or with the consent of the owner or person lawfully in possession thereof, whether such owner be a conditional vendee, a mortgagor remaining in possession, or otherwise, shall have a lien upon the motor vehicle or any part thereof for the reasonable charges for such storing and may retain the possession of the motor vehicle or any part or accessory thereof until such charge has been paid. If storage is furnished pursuant to an agreement for a fixed price, the lien shall be for the agreed amount.

35-14-02. Lien may be perfected notwithstanding surrender of possession.

Notwithstanding a voluntary surrender of a motor vehicle or any part thereof upon which a lien for storage is claimed, the person who stored the vehicle has a lien thereon for the person's reasonable or agreed storage charges if at any time within sixty days after the surrender of possession the person shall file in the office of the recorder of the county in which the owner of the vehicle resides, or if the owner is not a resident of the state, in the county where the property was stored, a statement containing all of the following:

1. The name and the post-office address of the lien claimant.
2. The name of the person requesting the storing or keeping of the motor vehicle.
3. The name of the owner of the vehicle, if known.
4. An itemized account of the charges for which the lien is claimed.
5. A description of the property upon which the lien is claimed.

35-14-03. Priority of storage lien.

A lien filed under the provisions of this chapter is subject and inferior only to mortgages and conditional sales contracts properly filed on or before the time when the property covered by the storage lien came into the possession of the lien claimant.

35-14-04. Vehicle may be removed when storage charge not paid.

Any person having possession of any motor vehicle for storage may remove the vehicle from the person's garage or other place of storage without liability for such removal to the owner or possessor thereof, if the owner or the person who stored the vehicle fails to pay the storage charges thereon within ten days after such payment becomes due.