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FILED ✓

2001 MAY -2 P 10:42

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2001*

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**ENROLLED**

SENATE BILL NO. 605

(By Senator Wootton, et al)

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PASSED April 14, 2001

In Effect 90 days from **Passage**

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

**Senate Bill No. 605**

(BY SENATORS WOOTON, CALDWELL, HUNTER, REDD,  
ROSS, SNYDER AND DEEM)

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[Passed April 14, 2001; in effect ninety days from passage.]

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AN ACT to amend and reenact section three, article eleven, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to improver's liens on motor vehicles; providing that secured party must pay improver upon redemption or other disposition of repossessed vehicle in certain circumstances; providing certain limitations in amount improver may recover; providing for certain disposition of remaining proceeds after disposition of vehicle by secured party; and expressing that the provisions will not limit rights under certain insurance recovery.

*Be it enacted by the Legislature of West Virginia:*

That section three, article eleven, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 11. MISCELLANEOUS LIENS AND PLEDGES.**

**§38-11-3. Improver's, storer's or transporter's lien on personal property and animals.**

1 A person who, while in possession thereof, makes, alters,  
2 repairs, stores, transports or in any way enhances the  
3 value of an article of personal property, or boards, pas-  
4 tures, feeds, trains, improves or transports any animal  
5 shall have a lien upon such article or animal while law-  
6 fully in the possession thereof, for the charges agreed  
7 upon, or, if no charges be agreed upon, then for his just  
8 and reasonable charges for the work done or the board or  
9 storage or transportation furnished, to the extent and in  
10 the manner provided for in section fourteen of this article,  
11 and may retain possession thereof until such charges are  
12 paid. Such lien shall be good against the person who  
13 deposited the property with the lienor and against any  
14 other person by whose authority or with whose consent the  
15 property was deposited: *Provided*, That, notwithstanding  
16 the provisions of this section and section two of this  
17 article, if a person possessing an improver's lien on a  
18 motor vehicle releases that vehicle to a secured party  
19 taking possession after default, the secured party shall,  
20 upon redemption of the vehicle by the debtor or resale or  
21 other disposition by the secured party, pay to the improver  
22 the lesser of: (i) The actual cost of improvements as  
23 measured by the cost of inventory and labor; or (ii) fifteen  
24 hundred dollars: *Provided, however*, That improvements  
25 shall not include nonstock changes in the appearance or  
26 performance of the vehicle: *Provided further*, That if after  
27 satisfaction of any prior perfected lien, proceeds remain  
28 from the sale, redemption or other disposition of the  
29 vehicle by the secured party, such proceeds shall be used  
30 to satisfy any balance remaining on the improver's lien:  
31 *And provided further*, That nothing herein shall be con-  
32 strued as impairing or affecting the secured party's right  
33 to recover under any insurance policy covering the vehi-  
34 cle. If two or more articles of personal property are made,  
35 altered, repaired, stored, transported or enhanced in value  
36 as aforesaid, or two or more animals are boarded, pas-

37 tured, fed, trained, improved or transported as aforesaid,  
38 under one contract or agreement, any one or more of such  
39 articles or animals may be held under the lien, hereinbe-  
40 fore mentioned, for all of the charges upon all such articles  
41 included in such contract or agreement.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Carly M. Hove*

.....  
Chairman Senate Committee

*A. J. Jayne*

.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Russell Adams*

.....  
Clerk of the Senate

*Bruce M. Dean*

.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*

.....  
President of the Senate

*John H. Harman*

.....  
Speaker House of Delegates

The within *is approved* this the *2nd*  
Day of *May* ..... 2001.

*Bob Wise*

.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/30/01

Time 3:00 pm