INNKEEPER'S LIEN TO SECURE PAYMENT OF CHARGES

Act 145 of 1897

AN ACT for the protection of the keepers of hotels, inns, boardinghouses, lodging houses, bed and breakfasts, and furnished apartments.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- Am. 1987, Act 114, Imd. Eff. July 13, 1987

The People of the State of Michigan enact:

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427.201 Lien upon and right to detain goods, baggage, and effects; purpose; enforcement; “bed and breakfast” defined.

Sec. 1.

(1) Whenever the keeper of any hotel, inn, boardinghouse, lodging house, bed and breakfast, or furnished apartment receives into his or her hotel, inn, boardinghouse, lodging house, bed and breakfast, or furnished apartment any person, guest, boarder, lodger, or tenant, the keeper shall have a lien upon and right to detain the goods, baggage, and effects of such guest, boarder, lodger, or tenant to secure and compel the payment of customary charges for the food and lodging furnished to the guest, boarder, lodger, or tenant. The lien may be enforced in the manner prescribed in this act.

(2) As used in this section, "bed and breakfast" means a bed and breakfast as defined in section 12901 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.12901 of the Michigan Compiled Laws.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5317 ;-- CL 1915, 6947 ;-- CL 1929, 8791 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- CL 1948, 427.201 ;-- Am. 1987, Act 114, Imd. Eff. July 13, 1987

427.202 Unclaimed property; sale, notice.

Sec. 2.

Any keeper of a hotel, inn, boarding house, lodging house or furnished apartment who shall have a lien for fare, accommodations or board upon any goods, baggage or other chattel property, and which being in his possession for 3 months at least after the departure of said guest, boarder, lodger or tenant leaving the same; or who for a period of 6 months shall have in his custody any unclaimed trunk, box, valise, package, parcel or other chattel property whatsoever, may proceed to sell the same at public auction after first having given notice to the county treasurer of such intended sale, and out of the proceeds of such sale may, in case of lien, retain the amount thereof, and the expense of advertisement and sale, and in case of unclaimed property the expense of storage, advertisement and sale thereof: Provided, In all instances, the notice specified in the next section be first given as therein directed.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5318 ;-- CL 1915, 6948 ;-- CL 1929, 8792 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- CL 1948, 427.202

427.203 Sale of unclaimed property; publication and service of notice, time.

Sec. 3.

A notice shall be published, at least, 15 days prior to the time of the sale. Said notice shall designate the time and place of holding such sale and contain a brief description of the baggage, articles and chattels to be sold, and said notice shall be published in a newspaper of general circulation, published in the city or town in which such hotel, inn, boarding house, lodging house or furnished apartment is situated; but if there be none, then in such newspaper published nearest said city or town; and shall also be served upon said guest, boarder, lodger, tenant or owner of such chattel articles or property, if he resides or can be found within the county where said hotel, inn, boarding house, lodging house or furnished apartment is situated, by delivering the same to him personally or leaving it at his place of residence with a person of suitable age in charge thereof. But if such guest, boarder, lodger, tenant, or owner does not reside or cannot be found in said county, then said notice shall be deposited in the postoffice of said city or town with the postage prepaid thereon, 15 days prior to said sale, and addressed to said guest, boarder, lodger, tenant, or owner at his place of residence, if his address be known to the keeper of said hotel, inn, boarding house, lodging house or furnished apartment. The sale shall take place between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, and all articles sold shall be to the highest bidder for cash.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5319 ;-- CL 1915, 6949 ;-- CL 1929, 8793 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- CL 1948, 427.203

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427.204 Sale of unclaimed property; surplus proceeds refunded.

Sec. 4.

Such keeper of a hotel, inn, boarding house, lodging house, or furnished apartment shall make an entry of the articles sold and the balance of the proceeds of the sale, if any, and within 10 days from such sale, shall, upon demand, refund such balance and surplus to such guest, boarder or person leaving the articles sold.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5320 ;-- CL 1915, 6950 ;-- CL 1929, 8794 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- CL 1948, 427.204

427.205 Sale of unclaimed property; balance, when paid to county treasurer; affidavit.

Sec. 5.

In case such balance shall not be demanded and paid as specified in the last section within said 10 days, then within 5 days thereafter said keeper of a hotel, inn, boarding house, lodging house, or furnished apartment shall pay said balance to the treasurer of the county in which such hotel, inn, boarding house, lodging house, or furnished apartment shall be situated, and shall at the same time file with said treasurer an affidavit made by him, in which shall be stated the name and place of residence, so far as they are known to him, of the guest, boarder or person, whose goods, baggage or chattel articles were sold, the articles sold and the price at which they were sold, the name and residence of the auctioneer making the sale, and a copy of the notice published and how served, whether by personal service or by mailing, and if not so served and the reason thereof.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5321 ;-- CL 1915, 6951 ;-- CL 1929, 8795 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- CL 1948, 427.205

427.206 Sale of unclaimed property; balance, when paid to county treasurer; ultimate disposition of surplus.

Sec. 6.

Said treasurer shall keep said surplus and moneys for, and credit the same to the person named in said affidavit as said guest, boarder, or person leaving the articles sold, and shall pay the same to said person, his or her agent or attorney, executors or administrators, upon demand and evidence satisfactory to said treasurer furnished of their identity: Provided, That if said amount be not claimed within 2 years from the date of sale, it shall be placed in and become a part of the contingent fund of the county.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5322 ;-- CL 1915, 6952 ;-- CL 1929, 8796 ;-- CL 1948, 427.206

427.207 Sale of unclaimed property; certain rights not barred.

Sec. 7.

Nothing herein contained shall preclude any other remedy now existing for the enforcement of lien by keepers of hotels, inns, boarding houses, lodging houses, or furnished apartments, nor bar their right to recover for so much of the debt as shall not be paid through said sale.

Nothing contained in this act shall apply to leases for 2 months or more.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5323 ;-- CL 1915, 6953 ;-- CL 1929, 8797 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- CL 1948, 427.207

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