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Fleet Guardian, LLC

Intelligent Fleet Care.

New Jersey "Mechanic's Lien Law"

2A:44-20. Definitions As used in this article:

"Owner" includes a conditional vendee or a mortgagor remaining in possession or otherwise of the motor vehicle.

"Garage" means a place or structure used in the business of storing, maintaining, keeping or repairing motor vehicles.

"Garage keeper" means a person or corporation engaged in the business of keeping a garage as above defined.

L.1951 (1st SS), c.344.

2A :44-21 Garage keeper liens; detention of vehicles; notice; priority.

A garage keeper who shall store, maintain, keep or repair a motor vehicle or furnish gasoline, accessories or other supplies therefore, at the request or with the consent of the owner or his representative, shall have a lien upon the motor vehicle or any part thereof for the sum due for such storing, maintaining, keeping or repairing of such motor vehicle or for furnishing gasoline or other fuel, accessories or other supplies therefore, and may, without process of law, detain the same at any time it is lawfully in his possession until the sum is paid. A motor vehicle is considered detained when the owner or person entitled to possession of the motor vehicle is advised by the garage keeper, by a writing sent by certified mail return receipt requested to the address supplied by the owner or person entitled to possession of the motor vehicle, that goods or services have been supplied or performed, and that there is a sum due for those goods or services.

The lien shall not be superior to, nor affect a lien, title or interest of a person held by virtue of a prior conditional sale or a prior chattel mortgage properly recorded or a prior security interest perfected in accordance with chapter 9 of Title 12A of the New Jersey Statutes.

L.1951 (1st SS), c.344; amended 1961, c.121, s.4; 1998, c.122, s.1.

2A :44-22. Removal of vehicle from keeper's control; seizure

A garage keeper acquiring a lien under this article shall not lose the same by reason of allowing the motor vehicle or part thereof to be removed from his control, and if so removed, he may, after demand of payment of claim either personally or by registered mail if the owner's address is known, and without further process of law, seize without force and in a peaceable manner the motor vehicle or part thereof, wherever found in this state.

L.1951 (1st SS), c.344.

2A :44-23 Statement of amount claimed; offer by owner of reasonable amount and demand for possession; fees.

The owner or the person entitled to the immediate possession of the motor vehicle or part thereof so detained, may, on learning of the detention of the same, immediately demand from the garage keeper or the person in charge thereof, a statement of the true amount claimed to be due for the storing, maintaining, keeping or repairing of such motor vehicle, or for furnishing gasoline or other fuel, accessories or other supplies therefore. If upon receiving such statement he considers the amount thereof excessive, he may offer what he considers to be reasonably due and demand possession of the motor vehicle or part thereof so detained. If possession is refused, he may immediately bring an action for possession thereof in the Superior Court, Law Division, Special Civil Part or in any other court. The owner or person entitled to immediate possession thereof shall pay the appropriate court fees and costs prior to the hearing; except that the owner or the person may seek relief from the payment of court fees and costs as provided in the Rules Governing the Courts of the State of New Jersey. The application for the waiver of fees shall be determined prior to or in conjunction with the summary hearing for possession of the motor vehicle.

L.1951 (1st SS), c.344; amended 1991, c.91, s.92; 1998, c.122, s.2.

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2A :44-24 Entitlement to possession upon payment to garage keeper.

When the amount determined by the court to be due to the garage keeper is paid in cash or by certified or cashier's check to the garage keeper and the court costs, if any, are deposited with the clerk of the court the owner or person entitled to possession of the motor vehicle or part thereof shall be entitled to possession of the motor vehicle or part thereof, pursuant to process out of said court.

L.1951 (1st SS), c.344; amended 1998, c.122, s.3.

2A :44-26 Action brought for possession; assertion of claim by garage keeper; procedure.

In an action brought for possession by the motor vehicle owner or person entitled to possession of the motor vehicle, the garage keeper shall assert his claim for a lien in the court in the manner prescribed by the Rules Governing the Courts of the State of New Jersey. The court may hear and determine the matter in a summary manner, and shall determine the amount due to the garage keeper, if any, and the amount of court costs, if any, due to the court clerk.

L.1951 (1st SS), c.344; amended 1998, c.122, s.4.

2A :44-27 Determination of amount of damages.

If judgment is rendered for the motor vehicle owner or person entitled to possession of the motor vehicle, the court may fix and determine the amount of damages suffered by the motor vehicle owner or person entitled to possession of the motor vehicle for the seizure and detention of the motor vehicle or part thereof, and render a judgment for such amount against the garage keeper.

L.1951 (1st SS), c.344; amended 1998, c.122, s.5.

2A :44-29 Sale of motor vehicle by garage keeper.

If no proceedings are taken for the repossession of the motor vehicle or part thereof by the motor vehicle owner or person entitled to possession of the motor vehicle, such property so held by the garage keeper shall, after the expiration of not less than 30 days from the date of the detention, be sold at public auction, subject to any prior lien, title or interest held by virtue of a prior conditional sale or a prior chattel mortgage properly recorded. If an action has been brought under N.J.S.2A:44-26 and the court has ordered payment of money to the garage keeper, the garage keeper shall, upon payment to the garage keeper in cash or by certified or cashier's check of the amount ordered by the court, surrender the motor vehicle or part thereof immediately. If the amount in the court order has not been paid in accordance with this act within 15 days from the date of the order, the property held by the garage keeper may then be sold at public auction, subject to any prior lien, title or interest held by virtue of a prior conditional sale or a prior chattel mortgage properly recorded.

L.1951 (1st SS), c.344; amended 1998, c.122, s.6.

2A :44-30 Notice of sale.

Notice of the sale, under section 2A :44-29 of this title shall be published for two weeks at least once in each week, in some newspaper circulating in the municipality in which the garage is situate and not less than five days' notice of such sale shall be given by posting the notice at the garage keeper's place of business.

L.1951 (1st SS), c.344; amended 1998, c.122, s.7.

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2A :44-31 Application of proceeds of sale.

The proceeds of the sale shall be applied to the payment of the lien or the amount specified in the order of court and the expenses of the sale. The balance, if any, shall be paid to the owner of the motor vehicle, or part thereof. The balance, if not claimed by the owner within 60 days after sale, shall be paid to the municipality, in which the garage is situated, to provide financial support for social programs for the indigent.

L.1951 (1st SS), c.344; amended 1998, c.122, s.8.

2A :44-32. Lien not impaired by taking judgment for money due; enforcement by levy and sale under execution

A lien held by a person upon chattels in his possession for labor or materials furnished in the repair or construction thereof, shall not be waived, merged or impaired by the recovery of a judgment for the moneys due for such labor or material, but the lien may be enforced by levy and sale under execution upon the judgment.

L.1951 (1st SS), c.344.

2A :44-33. Sale by public auction to enforce lien

If the lien held by a person upon chattels in his possession for labor or materials furnished in the repair or construction thereof, and the amount due thereon, either in whole or part, shall remain unpaid for 3 months after the same became due and payable, the person having the lien may sell the chattels at public auction.

If the chattels are of a nature as to be easily separated or divided, no more shall be sold than necessary, as near as may be, to make sufficient money to pay the lien and expenses of the sale. Notice of the sale shall be given by publishing the notice once in each of the 2 weeks preceding the day of sale in a newspaper circulating in the county and by posting in 5 public places in the municipality in which the chattels are located, and by mailing a copy of the notice to the owner, if his address is known, not less than 5 days before the day of sale.

L.1951 (1st SS), c.344.

2A :44-34. Proceeds of sale; balance

The proceeds of the sale shall be applied to the payment of the lien and expenses of the sale. The balance, if any, shall be paid to the owner of the chattels when they are taken away or settled for in full.

L.1951 (1st SS), c.344.