

FINAL BILL REPORT

SSB 5487

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SYNOPSIS AS ENACTED

Brief Description: Changing provisions regarding agister liens.

SPONSORS: Senate Committee on Agriculture (originally sponsored by Senators Bauer, Barr, M. Rasmussen, Snyder, Gaspard, Vognild, Newhouse, Drew, Sutherland, Quigley, Hochstatter and Loveland)

SENATE COMMITTEE ON AGRICULTURE

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

BACKGROUND:

An agister is any person who keeps horses, mules, cattle, or sheep for purposes of feeding, herding, pasturing, training, caring for, or ranching. The agister lien provides a legal remedy for any agister who is not paid by the owner of an animal.

The lien attaches on the date payment is due and remains in effect until the amount due is paid or 60 days (unless the lien is enforced within that time period). The agister is authorized to retain the animal until the lien is satisfied.

To perfect the lien the lien holder must give written notice, prior to sale, to any buyer or commissioned sales person. The lien holder is then entitled to collect from the buyer, seller, or commissioned sales person if there is failure to make payment.

Lien enforcement is accomplished through any court of competent jurisdiction, and the animal may be sold at a sheriff's sale to satisfy the amount of judgment and costs of sale.

SUMMARY:

The process of perfecting an agister lien is modified. An agister must post notice of the lien on the premises where the animal or animals are being kept, send a copy of the posted lien notice to the owner, and conduct a UCC (Uniform Commercial Code) search if the lien is of an amount greater than \$1,500. The lien remains in effect for 180 days or until the amount due is paid.

The owner of an animal or animals subject to an agister lien must notify the agister of any potential sale of the animals, inform any potential buyers of the existence of the lien, and

notify any lien holder of record of the potential sale and of the existence of the agister lien. Failure by the owner to provide such notice is grounds for either the agister or the buyer to sue for actual damages and legal costs. The court may award up to treble the damages and may attach a civil penalty payable to the plaintiff of up to \$1,000.

The agister may choose between a number of remedies to satisfy the lien, ranging from a sheriff's sale to a private sale of the animals to which the lien is attached.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	98	0

EFFECTIVE: July 25, 1993