

**SENATE BILL REPORT**

**SB 5487**

**AS REPORTED BY COMMITTEE ON AGRICULTURE, FEBRUARY 16, 1993**

**Brief Description:** Changing provisions regarding agister liens.

**SPONSORS:** Senators Bauer, Barr, M. Rasmussen, Snyder, Gaspard, Vognild, Newhouse, Drew, Sutherland, Quigley, Hochstatter and Loveland

**SENATE COMMITTEE ON AGRICULTURE**

**Majority Report:** That Substitute Senate Bill No. 5487 be substituted therefor, and the substitute bill do pass.

Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Bauer, and Snyder.

**Staff:** John Stuhlmiller (786-7446)

**Hearing Dates:** February 9, 1993; February 16, 1993

**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(s) until the lien is satisfied.

To perfect the lien the lienholder must give written notice, prior to sale, to any buyer or commissioned sales person. The lienholder 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(s) 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 and the agister must also send a copy of the posted lien notice to the owner. 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 and inform any potential buyers of the existence of the 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.

**EFFECT OF PROPOSED SUBSTITUTE:**

The agister is required to do a UCC (Uniform Commercial Code) search if the lien is of an amount greater than \$1,500.

Also, the owner of the animal or animals to which the agister lien is attached must notify any lien holder of record of the potential sale and of the existence of the agister lien.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

There is a need to make lien protection more complete and easier for agisters. Most agisters are not able to collect the full sum of the lien because of the 60-day limit, plus the costs of collecting the lien may exceed the lien value.

**TESTIMONY AGAINST:** None

**TESTIFIED:** L.H. Pinkers, Washington State Horse Council (pro); Ken Weber (pro); Trevor Sandison, Washington Bankers Association