

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5487

53rd Legislature
1993 Regular Session

Passed by the Senate March 12, 1993
YEAS 46 NAYS 0

President of the Senate

Passed by the House April 7, 1993
YEAS 98 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5487** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5487

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

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

Read first time 02/17/93.

1 AN ACT Relating to agister liens; amending RCW 60.56.010,
2 60.56.015, 60.56.035, and 60.56.050; adding new sections to chapter
3 60.56 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 60.56 RCW
6 to read as follows:

7 For purposes of this chapter "agister" means a farmer, ranchman,
8 herder of cattle, livery and boarding stable keeper, veterinarian, or
9 other person, to whom horses, mules, cattle, or sheep are entrusted for
10 the purpose of feeding, herding, pasturing, training, caring for, or
11 ranching.

12 **Sec. 2.** RCW 60.56.010 and 1989 c 67 s 1 are each amended to read
13 as follows:

14 Any ((farmer, ranchman, herder of cattle, livery and boarding
15 stable keeper, veterinarian, or any other person, to whom any horses,
16 mules, cattle or sheep shall be entrusted for the purpose of feeding,
17 herding, pasturing, and training, caring for or ranching,)) agister
18 shall have a lien upon ((said)) the horses, mules, cattle, or sheep,

1 and upon the proceeds or accounts receivable from such animals, for
2 such amount that may be due for ~~((said))~~ the feeding, herding,
3 pasturing, training, caring for, and ranching of the animals, and shall
4 be authorized to retain possession of ~~((said))~~ the horses, mules
5 ~~((or))~~, cattle, or sheep, until ~~((said))~~ the amount is paid or the lien
6 expires, whichever first occurs. The lien attaches on the date such
7 amounts are due and payable but are unpaid.

8 **Sec. 3.** RCW 60.56.015 and 1989 c 67 s 2 are each amended to read
9 as follows:

10 ~~((If a person))~~ An agister who holds a lien under RCW 60.56.010
11 ~~((provides, prior to the purchase or sale, written notice of the lien~~
12 ~~to buyers, or to persons selling on a commission basis for the animals'~~
13 ~~owners then the lien holder has perfected the lien))~~ shall perfect the
14 lien by (1) posting notice of the lien in a conspicuous location on the
15 premises where the lien holder is keeping the animal or animals, (2)
16 providing a copy of the posted notice to the owner of the animal or
17 animals, and (3) providing a copy of the posted notice to any lien
18 creditor as defined in RCW 62A.9-301(3) if the amount of the agister
19 lien is in excess of one thousand five hundred dollars. A lien
20 creditor may be determined through a search under RCW 62A.9-409. The
21 lien holder is entitled to collect from the buyer, the seller, or the
22 person selling on a commission basis if there is a failure to make
23 payment to the perfected lien holder.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 60.56 RCW
25 to read as follows:

26 A party subject to a lien under RCW 60.56.010 shall notify (1) the
27 lien holder of a potential sale of the animal or animals to which the
28 lien is attached, (2) a potential buyer of the existence of the
29 unsatisfied lien against the animal or animals for sale, and (3) any
30 lien holder of record of the potential sale of the animal or animals
31 and of the existence of the unsatisfied lien.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 60.56 RCW
33 to read as follows:

34 A person injured by a violation of section 4 of this act may bring
35 civil action in the appropriate court of jurisdiction to recover the
36 actual damages sustained, together with the costs of the suit,

1 including reasonable attorney fees and any other costs associated with
2 satisfaction of the lien. The court may, in its discretion, increase
3 the award of damages to an amount not to exceed three times the actual
4 damages sustained.

5 If damages are awarded under this section, the court may impose on
6 a liable party a civil fine of not more than one thousand dollars to be
7 paid to the plaintiff.

8 **Sec. 6.** RCW 60.56.035 and 1987 c 233 s 3 are each amended to read
9 as follows:

10 Any lien created by this chapter shall expire (~~sixty~~) one hundred
11 eighty days after it attaches, unless, within that period, an action to
12 enforce the lien is filed pursuant to RCW 60.56.050.

13 **Sec. 7.** RCW 60.56.050 and 1987 c 233 s 4 are each amended to read
14 as follows:

15 Any person having a lien under the provisions of this chapter may
16 enforce the same under chapter 60.10 RCW or, at the agister's option,
17 by an action in any court of competent jurisdiction(~~;~~ ~~and said~~). If
18 enforcement is through court proceeding, the property may be sold on
19 execution for the purpose of satisfying the amount of (~~such~~) the
20 judgment and costs of sale, together with the proper costs of keeping
21 the same up to the time of (~~said~~) the sale.

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