

- SUBJECT:** Allowing large animal vets to impose liens to collect unpaid debts
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 8 ayes — Gonzalez Toureilles, Anderson, B. Brown, Hardcastle, Heflin, Kleinschmidt, Rios Ybarra, Swinford  
1 nay — Crabb
- SENATE VOTE:** On final passage, April 30 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** None
- BACKGROUND:** Property Code, sec. 70.003 establishes a stable keeper's lien, which secures payment to stable keeper's for boarding or grazing services. Sec. 70.005 also applies the stable keeper's lien to animals fed in confinement for slaughter.
- Business and Commerce Code, ch. 9, subch. C provides procedures for the perfection of liens, the effect of perfection or nonperfection, and the priority of a security interest in collateral.
- DIGEST:** SB 1806 would allow a veterinarian to use a lien and the proceeds from the disposition of a large animal to cover the costs of caring for the large animal. This type of lien would:
- attach 20 days after the veterinarian began to care for the large animal;
  - attach even if the veterinarian did not keep the large animal;
  - have priority over all other liens for the large animal during the time the veterinarian retained possession; and
  - have priority with respect to other liens related to a security interest in collateral as provided under Business and Commerce Code, ch. 9, subch. C, if the veterinarian did not keep the animal.
- A large animal would be defined as exotic livestock or a cow, horse, mule, ass, sheep, goat, llama, alpaca, farm elk, or hog. The bill would allow a veterinarian to keep a large animal and impose a lien as provided under

Property Code, sec. 70.005(c). If a veterinarian did not keep the animal, the bill would allow the veterinarian to impose a lien in the same manner as a statutory residential landlord's lien.

The bill would take effect September 1, 2009, and only apply to amounts due on or after the effective date.

**SUPPORTERS  
SAY:**

SB 1806 would give veterinarians an additional tool to use to recover uncollected debt. Veterinarians often perform expensive treatments on large animals whose owners never pay for the services. The bill would allow a veterinarian to impose a lien in these instances, increasing the likelihood of clients paying their bills. Other professionals routinely impose liens on property when clients fail to pay, and veterinarians should have this option as well. An individual cannot reclaim the individual's car from a mechanic without paying or setting up a payment plan, and likewise, an individual should not be able to pick up a horse without paying the veterinarian for services provided.

The bill would particularly benefit veterinarians when they provided medical care to a dead or dying animal. Current law already allows veterinarians to sell or dispose of unclaimed animals, but many of these animals may not have any monetary value. An animal that is seriously ill or dead cannot be sold to recoup expenses for services provided to the animal. The bill would encourage owners to pay veterinary bills even when an animal was terminally ill or dead.

**OPPONENTS  
SAY:**

The 20-day time period from the rendering of services to the attachment of the lien would not provide an animal owner with enough time to make good on outstanding debts. Unforeseen circumstances or emergencies may delay payment by more than 20 days. Clients should be given at least 30 days after the first day a veterinarian provided services before a lien is attached.