

BILL ANALYSIS

Senate Research Center
81R22482 PMO-D

C.S.S.B. 1806
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Agriculture & Rural Affairs
4/17/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Although veterinarians in Texas may currently sell or dispose of an "abandoned" animal, there is no statutory lien to allow a veterinarian to sell a horse or other animal if the owner does not pay for veterinary services. Because of this, many veterinarians experience problems collecting outstanding debts from their clients. Because most large animal owners do not have medical insurance for their animals, they must cover veterinarian bills out of their own pockets. Many veterinarians are faced with the challenge and ethical responsibility of responding to last minute medical emergencies where immediate payment may not be an option. Currently, 28 states provide veterinarians with the option of a statutory lien against the owner. Under Texas law, if the owner comes to pick up the animal, in most cases the veterinarian has no option but to allow the owner to take the animal with or without consent.

C.S.S.B. 1806 amends current law relating to liens for certain veterinary care charges for large animals.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 70, Property Code, by adding Section 70.010, as follows:

Sec. 70.010. LIENS FOR VETERINARY CARE CHARGES FOR LARGE ANIMALS.

(a) Defines "large animal."

(b) Provides that a veterinarian licensed under Chapter 801 (Veterinarians), Occupations Code, has a lien on a large animal and the proceeds from the disposition of the large animal to secure the cost of veterinary care the veterinarian provided to the large animal.

(c) Provides that a lien under this section attaches on the 20th day after the date the veterinarian first provides care to the large animal; attaches regardless of whether the veterinarian retains possession of the large animal; takes priority over all other liens on the large animal for the period during which the veterinarian retains possession of the large animal, regardless of whether the lien under this section was created or perfected after the date on which another lien was created or perfected, if the veterinarian retains possession; and has the priority with respect to other liens as provided by Subchapter C (Perfection and Priority), Chapter 9 (Secured Transactions), Business & Commerce Code, if the veterinarian does not retain possession.

(d) Authorizes the veterinarian to retain possession of a large animal under this section and enforce a lien under this section as provided by Section 70.005(c) (relating to a person holding a lien under Section 70.003(a) on an animal fed in confinement for slaughter who is authorized to enforce that lien in any manner authorized by Sections 9.610-9.619, Business & Commerce Code).

(e) Authorizes a veterinarian who does not retain possession of a large animal under this section to enforce a lien under this section in the same manner as a statutory residential landlord's lien.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.