

**BILL SUMMARY**  
1st Session of the 53rd Legislature

<b>Bill No.:</b>	<b>SB 530</b>
<b>Version:</b>	<b>Engrossed</b>
<b>Request Number:</b>	
<b>Author:</b>	<b>Armes</b>
<b>Date:</b>	<b>4/1/2011</b>
<b>Impact:</b>	<b>No state impact</b>

**Research Analysis**

SB 530, as engrossed, authorizes a person who has a lien upon a domestic animal to foreclose upon the lien while lawfully in possession of the animal 30 days after the lien has accrued if proper notice is given. Requirements for such proper notice and contents of notice are provided. Any person, including the lienor, are authorized to purchase the property sold in good faith.

Such described method for foreclosing upon a lien is in addition to any other method under state law by which a lien may be properly foreclosed. This foreclosure method does not create any new lien rights nor limits any existing lien rights, except this “act” does not apply to judgment liens caused by trespassing of animals.

A person who is induced by means of a check for immediate payment of money to deliver possession of a domestic animal on which the person has a lien, and such lien is dishonored, is authorized to have a lien for the amount thereof upon the personal property. A person who renders certain service to the owner of a domestic animal is authorized to have a lien on such domestic animal if such property is removed from the person’s possession without the person’s consent or without payment. Procedures for filing and enforcing such liens are provided.

The measure also creates the Livestock Owner’s Lien Act of 2011. The measure grants every livestock owner a lien in all livestock for any unpaid portion of the livestock in order to secure the obligations of the first person that purchases livestock, either directly or through a sales agent, under an agreement to sell. The owner’s lien attaches and is perfected immediately to all livestock and continues uninterrupted in all livestock and proceeds. The lien exists until the full amount of the sales price has been received and is not dependent on possession of livestock. Any security interest or mortgage lien of the owner’s lender will attach to the livestock owner’s right to the owner’s lien. If the subject livestock are commingled with other livestock, the lien continues without interruption in certain circumstances.

A purchaser or sales agent takes free of any owner’s lien if he has paid the full consideration in good faith. An owner’s lien has priority, except in certain circumstances. A livestock owner may not waive any owner’s lien, except when given certain consent. The measure provides when an owner’s lien shall expire and provides for other procedures.

Prepared By: Andrea Merten

**Fiscal Analysis**

Engrossed SB 530 will have no impact to state revenues or expenditures.

Prepared By: Mark Nichols

**Other Considerations**

None