
SENATE BILL 5487

State of Washington

53rd Legislature

1993 Regular Session

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

Read first time 02/01/93. Referred to Committee on Agriculture.

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, and
16 (2) providing a copy of the posted notice to the owner of the animal or
17 animals. The lien holder is entitled to collect from the buyer, the
18 seller, or the person selling on a commission basis if there is a
19 failure to make payment to the perfected lien holder.

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

22 A party subject to a lien under RCW 60.56.010 shall notify (1) the
23 lienholder of a potential sale of the animal or animals to which the
24 lien is attached, and (2) a potential buyer of the existence of the
25 unsatisfied lien against the animal or animals for sale.

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

28 A person injured by a violation of section 4 of this act may bring
29 civil action in the appropriate court of jurisdiction to recover the
30 actual damages sustained, together with the costs of the suit,
31 including reasonable attorney fees and any other costs associated with
32 satisfaction of the lien. The court may, in its discretion, increase
33 the award of damages to an amount not to exceed three times the actual
34 damages sustained.

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

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

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

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

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

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