

A-Engrossed
House Bill 3111

Ordered by the House April 26
Including House Amendments dated April 26

Sponsored by Representative BARKER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides process for veterinary facility [*or boarding kennel*] to remove domestic animal from facility [*or kennel*] if keeper of animal does not retake possession of animal.

Modifies process for foreclosing on possessory chattel lien if lien is for veterinary services to domestic animal.

A BILL FOR AN ACT

1
2 Relating to domestic animals; creating new provisions; and amending ORS 87.172.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Domestic animal" means an animal that has a keeper and is not livestock.**

6 (b) **"Keeper" means the owner of a domestic animal or an agent of the owner who has**
7 **apparent authority to secure care for the domestic animal.**

8 (c) **"Livestock" means equines, bovines, llamas, alpacas, sheep, goats and swine, and**
9 **chickens, turkeys and other domesticated fowl.**

10 (2) **A veterinary facility may provide for the removal of a domestic animal from the fa-**
11 **ility if the keeper does not retake possession of the domestic animal. Prior to the removal**
12 **of a domestic animal under this section, the veterinary facility must send the keeper a letter**
13 **by certified mail notifying the keeper that the domestic animal will be removed from the**
14 **facility if the keeper does not arrange to retake possession of the domestic animal. The letter**
15 **must be addressed to the last address for the keeper known to the veterinary facility.**

16 (3) **If the keeper does not contact the veterinary facility and arrange to retake possession**
17 **of the domestic animal, the facility may provide for removal of the domestic animal four or**
18 **more days after the keeper has received or refused delivery of the letter sent under sub-**
19 **section (2) of this section, as evidenced by the certified mail receipt or upon the return of**
20 **the letter as undeliverable. If the keeper contacts the veterinary facility but fails to retake**
21 **possession of the domestic animal as arranged, the facility may provide for removal of the**
22 **domestic animal four or more days after the date on which the keeper fails to retake pos-**
23 **session of the domestic animal. The removal of a domestic animal under this section may:**

24 (a) **Be by means of placing the domestic animal with a rescue group or animal shelter;**

25 (b) **Be by means of adopting out the domestic animal; or**

26 (c) **If the removal cannot reasonably be performed under paragraph (a) or (b) of this**
27 **subsection, be by means of humanely euthanizing the domestic animal.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(4) A veterinary facility providing for the removal of a domestic animal under this section**
2 **shall keep a record of the date and method of removal of the domestic animal, including but**
3 **not limited to contact information for any person or entity taking possession of the domestic**
4 **animal from the facility.**

5 **(5) The Oregon State Veterinary Medical Examining Board may adopt rules governing**
6 **veterinary facility removal of a domestic animal under this section.**

7 **SECTION 2.** ORS 87.172 is amended to read:

8 87.172. (1) Except as otherwise provided in this section, a person claiming a lien under ORS
9 87.152 to 87.162 must retain the chattel that is subject to the lien for at least 60 days after the lien
10 attaches to the chattel before foreclosing the lien.

11 **(2) Except as otherwise provided in this subsection,** a person claiming a lien under ORS
12 87.152 for cost of care, materials and services bestowed on an animal must retain the animal for at
13 least 30 days after the lien attaches to the animal before foreclosing the lien. *[If the animal is a dog*
14 *or cat, the period shall be at least 15 days.]* **If the lien is for veterinary services to a domestic**
15 **animal, the person must retain the animal for at least five days after the lien attaches to**
16 **the animal before foreclosing the lien. As used in this subsection, “domestic animal” means**
17 **an animal that is not livestock as defined in ORS 72.1030 and for which the veterinary ser-**
18 **vices were requested by an owner or other person with apparent authority regarding care**
19 **of the animal.**

20 (3) A person claiming a lien under ORS 87.152 for the cost of removing, towing or storage of a
21 vehicle that is appraised by a person who holds a certificate issued under ORS 819.480 to have a
22 value of:

23 (a) \$1,000 or less but more than \$500, must retain the vehicle at least 30 days after the lien at-
24 taches to the vehicle before foreclosing the lien.

25 (b) \$500 or less, must retain the vehicle at least 15 days after the lien attaches to the vehicle
26 before foreclosing the lien.