

Enrolled House Bill 3111

Sponsored by Representative BARKER

CHAPTER

AN ACT

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

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

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

- (a) "Domestic animal" means an animal that has a keeper and is not livestock.
- (b) "Keeper" means the owner of a domestic animal or an agent of the owner who has apparent authority to secure care for the domestic animal.
- (c) "Livestock" means equines, bovines, llamas, alpacas, sheep, goats and swine, and chickens, turkeys and other domesticated fowl.

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

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

- (a) Be by means of placing the domestic animal with a rescue group or animal shelter;
- (b) Be by means of adopting out the domestic animal; or
- (c) If the removal cannot reasonably be performed under paragraph (a) or (b) of this subsection, be by means of humanely euthanizing the domestic animal.

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

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

SECTION 2. ORS 87.172 is amended to read:

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

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

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

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

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

Passed by House April 29, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 26, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State