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## HOUSE BILL NO. 2550

Offered January 20, 1997

A BILL to amend and reenact § 3.1-796.75 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 3.1-796.75:1, relating to veterinary liens.

Patrons—Shuler, Hargrove and Hull; Senators: Edwards and Reynolds

Referred to Committee on Agriculture

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3.1-796.75 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.1-796.75:1 as follows:**

§ 3.1-796.75. Procedure for animals left unclaimed with veterinarian or boarding establishment after notice; lien; sale.

Any animal not claimed by its owner from a licensed veterinarian or boarding establishment within fourteen days after a letter of notice has been sent to the owner, by the veterinarian or boarding establishment, may be sold by the veterinarian or boarding establishment. The animal may be sold at public or private sale for fair compensation to a person capable of providing care consistent with this chapter. Any expense incurred by the veterinarian or boarding establishment becomes a lien on the animal and the proceeds of the sale shall first discharge this lien. Any balance of the proceeds shall be paid to the owner. If the owner cannot be found within the next ensuing thirty days, the balance shall be paid to the state treasury. If no purchaser is found, the animal may be offered for adoption or euthanized.

§ 3.1-796.75:1. Definitions; procedure for lien by veterinarian after notice; lien; disposal.

A. As used in this section, unless the context clearly requires a different meaning :

"Dispose" means to sell by public or private sale, give away, or turn over to an animal shelter, humane society, or other such facility or entity for adoption.

"Owner" means any individual, corporation, partnership, limited liability company, joint venture, trust or other legal entity that owns an animal or animals subject to a lien arising under this section.

"Veterinarian" means any individual licensed to practice veterinary medicine in the Commonwealth or who is exempt from licensure pursuant to § 54.1-3801 (ii) or (iii) and any corporation, partnership, limited liability company, joint venture or other legal entity out of which any individual licensed to practice veterinary medicine in the Commonwealth or who is exempt from licensure pursuant to § 54.1-3801 (ii) or (iii) who provides veterinary services to the public.

"Veterinary services" means the provision of veterinary medical care and treatment, surgery, vaccines, antisera, antibiotics, food, board or other services to or on behalf of an animal.

B. Every veterinarian shall have a lien on each animal to which they render veterinary services and the veterinarian shall have the right to possess and retain the animal until all sums for such veterinary services are paid. The amount of the lien arising under this section shall include (i) any interest accrued on the principal balance of the veterinary services rendered from the date the lien is perfected until the principal balance is paid; and (ii) the costs associated with perfecting and executing the lien. The applicable interest rate under this subsection shall be the greater of the judgment rate of interest as provided in § 6.1-330.54 or the rate of interest to which the veterinarian and owner shall have agreed.

C. If the charges due for any veterinary services rendered are not paid within ten days after the demand therefor on the owner or if the animal is not picked up within ten days after the demand therefor on the owner, the veterinarian may dispose of the animal. Any demand for payment of charges or to pick up an animal shall be made in person or by registered or certified mail, return receipt requested, and addressed to the owner at the owner's last known address. The ten-day period begins to run on the date the demand is postmarked or the date the verbal demand is communicated in person and shall be noted on the animal's medical record. If the veterinarian is unable to dispose of the animal within fourteen days, the veterinarian may euthanize the animal in a humane manner according to state statute.

D. On the day on which the animal is disposed of, the owner shall be notified in person, by telephone, facsimile or by registered or certified mail, return receipt requested, at the owner's last known address, of the date of the disposal and the method of disposal.

E. The disposal of an animal as provided in this section shall not relieve the owner or owner's agent of any financial obligations incurred for the provision of veterinary services or any expenses incurred in making the demand for payment thereof.

F. The giving of notice to the owner as provided in subsections C and D shall relieve the

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60 veterinarian who disposes of or euthanizes such animal of any liability for such disposal or  
61 euthanization.

62 G. Failure of any owner to receive the demand provided for in subsection C by registered or  
63 certified mail shall not render the veterinarian liable to the owner for the disposal or euthanasia  
64 thereof.

65 H. Any lien arising under this section shall remain valid even though the veterinarian does not  
66 possess the animal, provided that on or before sixty days after the veterinary services were rendered, the  
67 veterinarian records a verified notice of the lien upon such animal in any one of the following: (i) the  
68 office of the clerk of the circuit court for the city or county in which the veterinarian understands the  
69 animal is principally located; (ii) the circuit court for the city or county in which the veterinarian  
70 understands the owner resides; or (iii) in the office of the clerk of the State Corporation Commission.

71 I. Any notice of lien filed pursuant to subsection H shall contain the following information:

72 1. The veterinarian's name;

73 2. The veterinarian's business address;

74 3. The date the veterinary services were rendered;

75 4. The amount of the principal balance of the veterinary services rendered;

76 5. A description of the animal or animals subject to lien;

77 6. The veterinarian's understanding as to the name of the owner;

78 7. The veterinarian's understanding as to the last known address of the owner's residence, if known;

79 and

80 8. The veterinarian's understanding as to where the animal is principally located.

81 J. When any animal is sold to satisfy a lien arising under this section, any surplus realized from the  
82 sale after payment of the charges and any expenses incurred in making the demand for payment thereof  
83 in connection with the sale shall be paid to the owner.