

House Bill 941 (COMMITTEE SUBSTITUTE)

By: Representatives Purcell of the 122nd, Ray of the 108th, and Oliver of the 121st, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 9 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia
2 Annotated, relating to liens of veterinarians and boarders of animals, so as to change certain
3 provisions relating to liens for treatment, board, or care of animals and right to retain
4 possession; to define certain terms; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Part 9 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated,
8 relating to liens of veterinarians and boarders of animals, is amended by striking Code
9 Section 44-14-490, relating to liens for treatment, board, or care of animals and right to retain
10 possession, and inserting in lieu thereof the following:

11 "44-14-490.

12 (a) Every licensed veterinarian ~~and every operator of a facility for boarding animals or pets~~
13 shall have a lien on each animal or pet treated, boarded, or cared for by ~~them~~ him or her
14 while in ~~their~~ his or her custody and under contract with the owner of the animal or pet for
15 the payment of charges for the treatment, board, or care of the animal or pet; and the
16 veterinarian ~~or operator of a facility~~ shall have the right to retain the animal or pet until the
17 charges are paid.

18 (b)(1) Every operator of a facility for boarding animals or pets which facility is licensed
19 by the Department of Agriculture, other than a licensed veterinarian, shall have a lien on
20 each animal or pet in his or her care for the payment of all charges of such operator; and
21 the operator of such a facility shall have the right to retain the animal or pet until the
22 charges are paid in full.

23 (2) For purposes of this subsection, the term:

24 (A) 'Charges' means:

1 (i) Any charges, fees, expenses, and reimbursements which have been contracted for,
 2 agreed to, or otherwise mutually acknowledged by written agreement, course of
 3 conduct, or understanding, including but not limited to:

4 (I) Board, care, services, and treatment of the animal or pet, whether provided by
 5 the operator or by a third party and incurred by the operator;

6 (II) Farrier and veterinary fees and expenses incurred by the operator for or on
 7 behalf of the boarded animal or pet; and

8 (III) Fees and expenses for transportation of the animal or pet; and

9 (ii) Late payment fees, returned check fees, and all costs of collection, including but
 10 not limited to reasonable attorney fees and expenses of litigation and costs of sale.

11 Charges shall not include fees, expenses, or commissions of any kind relating to
 12 purchase, sale, or lease of such animal or pet, other than a sale pursuant to Code Section
 13 44-14-491.

14 (B) 'Facility Facilities for boarding animals or pets' shall include, but not be limited to,
 15 veterinary hospitals, boarding kennels, stables, livestock sales barns, and humane
 16 societies.

17 (c) Any person granted a lien by this Code section may waive such lien in writing."

18 **SECTION 2.**

19 All laws and parts of laws in conflict with this Act are repealed.