

CHAPTER 91

(HB 331)

AN ACT relating to agisters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 376.400 is amended to read as follows:

- (1) Any owner or keeper of a livery stable **or other business providing for the care of animals**, and a person feeding, ~~or~~ grazing, **or caring for any animal**~~[cattle]~~ for compensation, shall, **except as provided in subsection (2) of this section**, have a lien for one (1) year upon the **animal**~~[cattle]~~ placed in the stable, **kennel, or similar facility**, or put out to be fed or grazed by the owner, for his **or her** reasonable charges for keeping, caring for, feeding, and grazing the **animal**~~[cattle]~~. The lien shall attach whether the **animal is**~~[cattle are]~~ merely temporarily lodged, fed, grazed, and cared for, or are placed at the stable or other place or pasture for regular board. The lien shall take priority over a lien created pursuant to KRS 376.420(1).
- (2) **Any person who has agreed to provide feed or care for an animal for compensation may, in lieu of the lien provided for in subsection (1) of this section, cause the animal to be sold if:**
 - (a) **The owner of the animal is at least forty-five (45) days in arrears on his or her payment for the care and feeding of the animal and the animal is in the possession of the person or business providing for the care of the animal;**
 - (b) **The proposed sale is published in one or more newspapers and qualified pursuant to KRS Chapter 424, with a publication area in the locale where the person providing care for the animal is located and the locale where the owner of the animal was last known to reside; and**
 - (c) **Written notice of the sale is sent by certified mail, return receipt requested, or registered mail, to the owner of the animal, addressed to such person at his or her last known address, and to all lien holders of record with the Kentucky Secretary of State and the local county clerk's office, at least ten (10) days before the sale is conducted. The written notice shall include:**
 1. **The amount due the person or business providing care for the animal;**
 2. **The date, time, and location of the sale; and**
 3. **A statement that the sale proceeds shall be disbursed as provided in subsection (3) of this section.**
- (3) **If a sale is conducted as provided in subsection (2) of this section, the proceeds of the sale shall be disbursed in the following order:**
 - (a) **Payment for costs associated with the sale;**
 - (b) **Payment of amounts due to the person or business providing for the care and feeding of the animal;**
 - (c) **Payment to lien holders and creditors pursuant to a court order; and**
 - (d) **The remainder, if any, held for the owner for a period of twelve (12) months and, if not claimed at that time, then paid into the district school fund.**

Signed by the Governor March 24, 2009.