

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 389

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LIENS IN CROPS; AMENDING SECTION 45-308, IDAHO CODE, TO PROVIDE WHAT THE NOTICE OF CLAIM OF LIEN MUST INCLUDE; AMENDING SECTION 45-318, IDAHO CODE, TO PROVIDE THAT A NOTICE OF CLAIM OF LIEN WILL BE DEEMED BY THE SECRETARY OF STATE TO MEET THE REQUIREMENTS OF A FARM PRODUCTS FINANCING STATEMENT; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 45-308, Idaho Code, be, and the same is hereby amended to read as follows:

45-308. NOTICE OF CLAIM OF LIEN. (1) A claimant must file with the secretary of state a notice of claim of lien between thirty (30) days before and one hundred twenty (120) days after completion of his labor for or providing seed to the producer. If a notice of claim of lien is filed before completion of the labor or delivery of the seed, there must exist a written or verbal contract for such labor or seed.

(2) The notice of claim of lien must include:

(a) The nature of the lien (farm laborer's or seed);

(b) The name and address of the producer;

(c) The name and address of the claimant;

(d) The county or counties where the crop or crops covered by the lien are grown;

(e) The type(s) of crop (name of commodity) to which the lien applies;

(f) The crop year of the crop(s) to which the lien applies;

(g) Such other information as the secretary of state shall by administrative rule require; and

(h) The amount of claim exclusive of interest.

(3) The notice of claim of lien shall be signed by the claimant, his agent, or his attorney-in-fact, and the signer shall certify to the truth of the claim. Notarization is not required.

(4) The notice of claim of lien shall be filed on a standard form prescribed by the secretary of state. The form must satisfy the requirements of a farm products financing statement under section 28-9-502(e), Idaho Code, except that:

(a) The debtor may be identified as the producer;

(b) The secured party may be identified as the claimant;

(c) The debtor's social security number, taxpayer identification number or other number unique to the debtor need not be included; and

(d) The debtor's signature need not be included.

(5) A claimant shall give written notice of the claim to the producer.

SECTION 2. That Section 45-318, Idaho Code, be, and the same is hereby amended to read as follows:

1           45-318.   APPLICABILITY OF UNIFORM COMMERCIAL CODE. The liens provided  
2 for by this chapter are "agricultural liens" as defined in section 28-9-102,  
3 Idaho Code. The perfection and effect of perfection or nonperfection of the  
4 liens provided by this chapter are governed by uniform commercial code arti-  
5 cle 9, secured transactions (chapter 9, title 28, Idaho Code). In the event  
6 of any conflict between the provisions of this chapter relating to perfec-  
7 tion and the effect of perfection or nonperfection of any lien provided by  
8 this chapter and the provisions of chapter 9, title 28, Idaho Code, relat-  
9 ing to those same issues, the provisions of chapter 9, title 28, Idaho Code,  
10 shall prevail, except that a claim of lien under this chapter will be deemed  
11 by the secretary of state to meet the requirements of a farm products financ-  
12 ing statement under chapter 9, title 28, Idaho Code.

13           SECTION 3. An emergency existing therefor, which emergency is hereby  
14 declared to exist, this act shall be in full force and effect on and after its  
15 passage and approval.