

TITLE 45
LIENS, MORTGAGES AND PLEDGES

CHAPTER 3
LIENS IN CROPS

45-301. PURPOSE AND SCOPE. (1) The purpose of this chapter is to provide a unified system for creation of liens and to provide notice of claims of liens in farm crops.

(2) The scope of this chapter is limited to liens in the crops of producers, and such liens are limited in amount to the value of the seeds or labor used in the production of the crops, plus expenses incurred in obtaining recovery pursuant to this chapter.

[45-301, added 1989, ch. 359, sec. 2, p. 901.]

45-302. DEFINITIONS. For the purposes of this chapter:

(1) "Buyer" means a person who purchases, on his own behalf or as an agent for others, a crop from a producer.

(2) "Claimant" means a provider of seed or farm labor who files a notice of claim of lien in a crop.

(3) "Crop year" means the calendar year in which a crop would normally be harvested.

(4) "Crops" means products of the soil. As it relates to liens for seed, the term "crops" shall be limited to annual crops. As it relates to liens for farm labor, it shall include annual crops as well as fruits, berries, grapes and nursery products.

(5) "Person" means an individual, partnership, corporation, or association.

(6) "Producer" means a farm operator to whom a claimant has provided seed or farm labor.

(7) "Written notice" means information communicated to a person in writing by an authorized person or entity and may include electronic, facsimile, computer or equivalent media.

[45-302, added 1989, ch. 359, sec. 2, p. 901; am. 1996, ch. 262, sec. 1, p. 863.]

45-303. FARM LABORER'S LIEN. (1) Any person who performs farm labor on a farm in furtherance of production of a crop shall have a lien in the crop for the agreed or reasonable value of the labor.

(2) The farm laborer's lien shall have priority over any security interest in the same crop.

(3) A landlord's interest in a crop produced on premises which are leased in consideration of a share of the crop is not subject to a farm laborer's lien.

[45-303, added 1989, ch. 359, sec. 2, p. 901.]

45-304. SEED LIEN. (1) Any person who furnishes seed to a producer to be sown or planted on lands owned, rented or otherwise lawfully occupied by the producer, shall have a lien in the crop or crops produced from the seed for the purchase price of the seed.

(2) The seed lien shall have priority over any security interest in the same crop, but shall be subordinate to a farm laborer's lien in the same crop.

(3) A landlord's interest in a crop produced on premises which are leased in consideration of a share of the crop is not subject to a seed lien.

[45-304, added 1989, ch. 359, sec. 2, p. 901.]

45-307. ATTACHMENT OF LIEN. (1) A lien in a crop attaches when a claimant files a notice of claim of lien with the secretary of state.

(2) A lien attaches to the crop subject to the lien, to any right or claim arising from any loss or damage to the crop, and to any payment to the producer for the crop from any purchaser thereof.

[45-307, added 1989, ch. 359, sec. 2, p. 902; am. 1991, ch. 217, sec. 1, p. 521.]

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.

[45-308, added 1989, ch. 359, sec. 2, p. 902; am. 1996, ch. 262, sec. 2, p. 863; am. 2000, ch. 338, sec. 1, p. 1131; am. 2016, ch. 202, sec. 1, p. 572.]

45-308A. AMENDMENT OR ASSIGNMENT OF NOTICE. (1) A claimant may amend a notice of claim of lien to disclose a change of the name or address of a

claimant or producer by filing a notice of amendment with the secretary of state. The notice of amendment shall include:

- (a) The file number assigned by the secretary of state to the notice of claim of lien to be amended by the notice of amendment;
- (b) The date of filing of the notice of claim of lien to be amended;
- (c) The name of the claimant on the notice of claim of lien to be amended; and
- (d) The information to be amended.

(2) A claimant may assign his rights under a lien and may give notice of the assignment by filing a notice of assignment with the secretary of state. The notice of assignment shall include:

- (a) The file number assigned by the secretary of state to the notice of claim of lien to which the assignment pertains;
- (b) The date of filing of the notice of claim of lien to which the assignment pertains;
- (c) The name of the claimant on the notice of claim of lien to which the assignment pertains; and
- (d) The name and address of the assignee.

(3) A notice of amendment or a notice of assignment shall be filed on a standard form prescribed by the secretary of state, and upon the same execution and fee conditions as apply to a notice of claim of lien.

[45-308A, added 1997, ch. 35, sec. 1, p. 62.]

45-309. CIVIL PENALTY FOR FALSE CLAIM. (1) Any person who signs and files a notice of claim of lien which he knows or has reason to believe is false shall be liable to the producer in the amount of the actual damages caused by the false claim or five hundred dollars (\$500), whichever is greater, plus reasonable attorney's fees and costs. If the claimant has failed to give written notice of a claim which is found to be false, to the producer as required by subsection (5) of section [45-308](#), Idaho Code, the claimant shall be liable for an additional penalty of five hundred dollars (\$500).

(2) If the notice of claim of lien is signed by a person other than the claimant, and the claimant knows or has reason to believe the claim is false, the claimant and the person who signed the claim shall be jointly and severally liable for the amount described in subsection (1) of this section.

[45-309, added 1989, ch. 359, sec. 2, p. 902; am. 1996, ch. 262, sec. 3, p. 864.]

45-310. DURATION OF LIEN. (1) A notice of claim of lien for farm labor remains in effect for twelve (12) months from the date of filing. The notice of claim of lien may be extended for six (6) months by filing a notice of extension of claim of lien. The notice of extension shall contain such information as the form prescribed by the secretary of state shall require, and shall be filed within sixty (60) days prior to the lapse of the original twelve (12) month period.

(2) A notice of claim of lien for seed remains in effect for sixteen (16) months from the date of filing. If a crop subject to a lien for seed is not harvested within ten (10) months after the date of filing, the notice of claim of lien may be extended for six (6) months by filing a notice of extension of claim of lien. The notice of extension shall contain such information as the form prescribed by the secretary of state shall require, and

shall be filed within sixty (60) days prior to the lapse of the original sixteen (16) month period.

(3) Civil action to enforce a lien on crops shall be commenced within the periods set forth in subsections (1) and (2) of this section.

[45-310, added 1989, ch. 359, sec. 2, p. 902; am. 2000, ch. 338, sec. 2, p. 1132.]

45-311. DUTY TO RELEASE UPON SATISFACTION. (1) When a claimant's lien has been satisfied, the claimant shall, within thirty (30) days after satisfaction, file with the secretary of state a notice of release of lien.

(2) The notice of release shall be signed by the claimant, his agent, or his attorney-in-fact.

(3) The notice of release shall be filed on a standard form prescribed by the secretary of state.

[45-311, added 1989, ch. 359, sec. 2, p. 903.]

45-312. LIST OF LIENS IN FARM CROPS. (1) The secretary of state shall publish a list of all presently effective notices of claim of lien in farm crops. The list shall be distributed to all persons who register therefor, on a schedule to be set by administrative rule of the secretary of state, but not less frequently than semimonthly.

(2) The list shall be published in a format established by administrative rule of the secretary of state, and may be in either complete form or in cumulative supplements to a complete list.

[45-312, added 1989, ch. 359, sec. 2, p. 903.]

45-313. LIEN SEARCH. (1) Upon request the secretary of state shall issue a certificate listing all liens in crops of a particular producer for which notices of claim are on file in his office. The requesting party may additionally request copies of all relevant notices of claim of lien.

(2) Upon the request of any person, the secretary of state shall provide, within twenty-four (24) hours (excluding weekends and holidays), a verbal listing of liens in crops as described in subsection (1) of this section, followed by the certificate.

(3) The secretary of state shall, by administrative rule, prescribe the standards and forms for the lien searches described in this section.

[45-313, added 1989, ch. 359, sec. 2, p. 903.]

45-314. WHEN BUYER TAKES FREE OF LIEN. (1) A buyer takes free of a lien in crops if he purchases and pays for a crop before a notice of claim of lien is filed with the secretary of state.

(2) A buyer who has registered for, and has received, the list of liens described in section [45-312](#), Idaho Code, takes free of a lien in crops if:

(a) When he purchases and pays for a crop, there is no notice of claim of lien in that crop on the current list of liens published under section [45-312](#), Idaho Code; and

(b) He has no actual notice of the existence of the lien.

As against buyers, a list is current until the third day after publication of the next list, or if mail is not delivered on that day, on the next day thereafter on which mail is delivered.

[45-314, added 1989, ch. 359, sec. 2, p. 903.]

45-315. DUTY OF BUYER. A buyer who does not take free of a lien under section [45-314](#), Idaho Code, is obligated to secure permission of the claimant to pay the producer in full or to insure payment of the claimant from the purchase price.

[45-315, added 1989, ch. 359, sec. 2, p. 903.]

45-316. ADMINISTRATIVE RULEMAKING. The secretary of state shall promulgate such administrative rules as are necessary to implement the provisions of this chapter and to set fees for all services provided for in this chapter.

[45-316, added 1989, ch. 359, sec. 2, p. 904.]

45-317. EFFECTIVE DATE AND TRANSITION. (1) This chapter shall be effective as to all notices of claim of lien in crops filed on or after January 1, 1990.

(2) Notices of claim of farm laborer's lien, and notices of claim of seed lien recorded in the appropriate county recorders' offices under the prior law shall remain effective until the date they would normally expire under the prior law.

[45-317, added 1989, ch. 359, sec. 2, p. 904.]

45-318. APPLICABILITY OF UNIFORM COMMERCIAL CODE. The liens provided for by this chapter are "agricultural liens" as defined in section [28-9-102](#), Idaho Code. The perfection and effect of perfection or nonperfection of the liens provided by this chapter are governed by uniform commercial code article 9, secured transactions ([chapter 9, title 28](#), Idaho Code). In the event of any conflict between the provisions of this chapter relating to perfection and the effect of perfection or nonperfection of any lien provided by this chapter and the provisions of [chapter 9, title 28](#), Idaho Code, relating to those same issues, the provisions of [chapter 9, title 28](#), Idaho Code, shall prevail, except that a claim of lien under this chapter will be deemed by the secretary of state to meet the requirements of a farm products financing statement under [chapter 9, title 28](#), Idaho Code.

[45-318, added 2001, ch. 208, sec. 25, p. 824; am. 2016, ch. 202, sec. 2, p. 572.]