

**RCW 60.90.030 Establishing wage liens on property pursuant to RCW 60.90.020.** (1) To establish a wage lien on real property pursuant to RCW 60.90.020, the lien claimant must:

(a) File for recording a notice of claim of wage lien in the county where the property is located that includes:

(i) The name, telephone number, and address of the lien claimant and, if the wage lien has been assigned, the name of the person who assigned the lien;

(ii) The name of the employer;

(iii) The street address, legal description, and parcel number of the real property subject to the wage lien;

(iv) The name of the owner or reputed owner of the property, if known, and if not known, a statement saying the name of the owner is not known;

(v) The principal amount for which the wage lien is claimed;

(vi) The signature of the lien claimant or of a person authorized to act on the claimant's behalf; and

(vii) An acknowledgment and certification as set forth in subsection (4) of this section;

(b) Pay a filing fee to the county auditor as required by RCW 36.18.010; and

(c) Mail a copy of the notice filed under this subsection (1) to the employer's registered agent, the employer's registered business address, or the address where the employer resides, and to the property owner if known and if the employer is not the property owner, by certified mail with return receipt requested.

(2) Except as provided in subsection (3) of this section, to establish a wage lien on personal property pursuant to RCW 60.90.020, the lien claimant must:

(a) (i) (A) For an employer located in Washington, file with the department of licensing a financing statement that satisfies the requirements of Part 5 of chapter 62A.9A RCW; or

(B) For an employer located outside Washington, file a financing statement with the office designated by section 9A-501(a)(2) of the uniform commercial code of the state in which the employer is located and pay the filing fees established by the office.

(ii) For purposes of the financing statement filings in (a)(i) of this subsection:

(A) "Debtor" means the owner of the property encumbered by the wage lien; and

(B) A description of the collateral covered by the wage lien that states that the wage lien covers all goods and tangible chattel paper located in Washington state, as well as all accounts and payment intangibles is sufficient;

(b) If filing the financing statement with the department of licensing, pay the filing fee established by the department of licensing. All receipts from fees collected under this subsection shall be deposited into the department of licensing wage lien account created under RCW 43.24.175. Moneys in the fund may be spent only after appropriation and may be used only to administer the wage lien filings in this subsection; and

(c) Mail a copy of the financing statement filed under this subsection and a notice of claim of wage lien to the employer's registered agent, the employer's registered business address, or the address where the employer resides, by certified mail with return receipt requested. The notice of claim of wage lien must include:

(i) The name, telephone number, and address of the lien claimant and, if the wage lien has been assigned, the name of the person who assigned the lien;

(ii) The name of the employer;

(iii) A description of the personal property subject to the wage lien or a statement that the wage lien covers all goods and tangible chattel paper located in Washington state, as well as all accounts, and payment intangibles;

(iv) The name of the owner or reputed owner of the property, if known, and if not known, a statement saying the name of the owner is not known;

(v) The principal amount for which the wage lien is claimed;

(vi) The signature of the lien claimant or of a person authorized to act on the claimant's behalf; and

(vii) An acknowledgment and certification as set forth in subsection (4) of this section.

(3) (a) Except as provided in (b) of this subsection, to establish a wage lien on goods covered by a certificate of title issued pursuant to chapter 46.12 or 88.02 RCW, the lien claimant must:

(i) File a notice of claim of wage lien with the department of licensing that includes:

(A) The name, telephone number, and address of the lien claimant and, if the wage lien has been assigned, the name of the person who assigned the lien;

(B) The name of the employer;

(C) A description of the goods subject to the wage lien, including the vehicle identification number or hull identification number of the goods;

(D) The name of the registered or legal owner or reputed owner of the property, if known, and if not known, a statement saying the name of the owner is not known;

(E) The principal amount for which the wage lien is claimed;

(F) The signature of the lien claimant or of a person authorized to act on his or her behalf; and

(G) An acknowledgment and certification as set forth in subsection (4) of this section;

(ii) Pay a filing fee to the department of licensing; and

(iii) Mail a copy of the notice filed under this subsection to the employer's registered agent, the employer's registered business address, or the address where the employer resides, by certified mail with return receipt requested.

(b) This subsection does not apply to:

(i) Goods held for sale or lease by a person, or leased by that person as lessor, if that person is in the business of selling goods of that kind; or

(ii) Vessels documented under Title 46 of the United States Code, for which Washington state title is required to be surrendered under Title 46 U.S.C. Sec. 12106.

(4) A notice of claim of wage lien, acknowledgment, and certificate that is substantially in the following form is sufficient to satisfy subsection (1) (a) of this section, provided it complies with the formatting requirements of RCW 65.04.045 (1) (a) and (b), (2), and (3). A notice of claim of wage lien, acknowledgment, and certificate that is substantially in the following form is sufficient to satisfy subsections (2) (c) and (3) (a) (i) of this section, provided it also complies with any requirements created by the department under RCW 43.24.170.

When Recorded Return to: . . . . .

CLAIM OF WAGE LIEN

. . . . ., claimant, vs. . . . ., name of person indebted to claimant:

Notice is hereby given that the claimant named below asserts a wage lien pursuant to chapter 60.90 RCW. In support of this wage lien the following information is submitted:

1. NAME OF LIEN CLAIMANT: . . . . .

TELEPHONE NUMBER: . . . . .

ADDRESS: . . . . .

2. NAME OF EMPLOYER: . . . . .

3. DESCRIPTION OF THE PROPERTY AGAINST WHICH A WAGE LIEN IS CLAIMED (If real property, state the street address, legal description, and parcel number. If personal property, provide information that will reasonably describe the property, or statement that the wage lien covers all personal property. If a vehicle or vessel, the vehicle identification number or hull identification number of the vehicle or vessel): . . . . .

4. NAME OF REGISTERED OR LEGAL OWNER OR REPUTED OWNER (If not known, state "Unknown") . . . . .

5. PRINCIPAL AMOUNT FOR WHICH THE WAGE LIEN IS CLAIMED IS: . . . . .

6. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE AND STATE THE NAME OF THE ASSIGNOR: . . . . .

7. IF THE PERSON SIGNING THIS CLAIM OF WAGE LIEN IS NOT THE CLAIMANT, BUT IS AUTHORIZED TO ACT ON THE CLAIMANT'S BEHALF, STATE THE PERSON'S NAME AND REPRESENTATIVE CAPACITY:

NAME: . . . . .

REPRESENTATIVE CAPACITY (e.g., officer or employee of claimant; attorney or agent; representative of lien filing service; administrator, representative, or agent of trustees of employee benefit plan): . . . . .

ACKNOWLEDGMENT

FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

STATE OF WASHINGTON, COUNTY OF

. . . . ., ss.

. . . . ., being sworn, says: I, . . . . .(name of person). . . . ., am the claimant. I have read the foregoing claim of wage lien, believe the claim of wage lien to be true and correct under penalty of perjury, and believe the claim of wage lien is not frivolous, is made with reasonable cause, and is not clearly excessive. The foregoing claim of wage lien is my free and voluntary act for the uses and purposes stated therein.

. . . . .Dated:. . . . .

. . . . .

. . . . .

. . . . .

(Signature)

FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

STATE OF WASHINGTON, COUNTY OF

. . . . ., ss.

. . . . ., being sworn, says: I, . . . . .(name of person). . . . ., am authorized to act on behalf of the claimant. I have read the foregoing claim of wage lien, believe the claim of wage lien to be true and correct under penalty of perjury, and believe the claim of wage lien is not frivolous, is made with reasonable cause, and is not clearly excessive. The foregoing claim of wage lien is the free and voluntary act of the claimant for the uses and purposes stated therein.

. . . . .Dated:. . . . .

. . . . .

. . . . .

. . . . .

(Signature)

CERTIFICATE

FOR A CERTIFICATE OF ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

I certify that I know or have satisfactory evidence that . . . . .(name of person) . . . . . is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

. . . . . Dated: . . . . .

. . . . .

. . . . .

. . . . .

(Signature)

(Seal or stamp)

. . . . . Title. . . . .

. . . . . My appointment. . . . .

. . . . . Expires. . . . .

FOR A CERTIFICATE OF ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

I certify that I know or have satisfactory evidence that . . . (name of person) . . . is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the . . . (type of authority, e.g., officer or employee, etc.) . . . of . . . (name of party on behalf of whom instrument was executed) . . . to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

. . . . . Dated: . . . . .

. . . . .

. . . . .

(Signature)

(Seal or Stamp)

. . . . . Title. . . . .

. . . . . My appointment. . . . .

. . . . . Expires. . . . .

(5) (a) For a notice of claim of wage lien on real property filed under this section, the notice must comply with the recording standards in chapter 65.04 RCW and the county auditor shall record the notice in the same manner as deeds and other instruments of title are recorded under chapter 65.08 RCW. Notices of claim of wage lien for registered land need not be recorded in the Torrens register.

(b) For a notice of claim of wage lien on vehicles and vessels filed under this section, the department of licensing shall record the notice.

(6) The notice of claim of wage lien must be filed within a period of two years from when the wages were first due.

(7) Mistakes or errors in the claimed amount owed do not invalidate the wage lien unless made with the intent to defraud.

(8) A wage lien under this chapter attaches to all identifiable proceeds of the property subject to the wage lien except instruments and chattel paper. [2021 c 102 s 4.]