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SENATE BILL 5841

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Hansen and Barr.

Read first time February 25, 1991. Referred to Committee on  
Agriculture & Water Resources.

1 AN ACT Relating to clarifying existing crop lien coverage and  
2 filing procedures; and amending RCW 60.11.030 and 60.11.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 60.11.030 and 1986 c 242 s 3 are each amended to read  
5 as follows:

6 Upon filing, the liens described in RCW 60.11.020 shall attach to  
7 the crop for all sums then and thereafter due and owing the lien holder  
8 and shall continue in all ((identifiable)) cash proceeds of the crop.  
9 For purposes of RCW 60.11.020(2), the lien shall also attach to the  
10 crop for all sums due and owing the lien holder from future advances of  
11 supplies or services and shall continue in all cash proceeds of the  
12 crop.

13 **Sec. 2.** RCW 60.11.040 and 1989 c 229 s 1 are each amended to read  
14 as follows:

1 (1) Except as provided in subsection (4) of this section with  
2 respect to the lien of a landlord, any lien holder must after the  
3 commencement of delivery of such supplies and/or of provision of such  
4 services, but before the completion of the harvest of the crops for  
5 which the lien is claimed, or in the case of a lien for furnishing work  
6 or labor within twenty days after the cessation of the work or labor  
7 for which the lien is claimed: (a) File a statement evidencing the  
8 lien with the department of licensing; and (b) if the lien holder is to  
9 be allowed costs, disbursements, and attorneys' fees, mail a copy of  
10 such statement to the last known address of the debtor by certified  
11 mail, return receipt requested, within ten days.

12 (2) The statement shall be in writing, signed by the claimant, and  
13 shall contain in substance the following information:

14 (a) The name and address of the claimant;

15 (b) The name and address of the debtor;

16 (c) The date of commencement of performance for which the lien is  
17 claimed;

18 (d) A description of the labor services, materials, or supplies  
19 furnished;

20 (e) A description of the crop and its location to be charged with  
21 the lien sufficient for identification; and

22 (f) The signature of the claimant.

23 (3) The department of licensing may by rule prescribe standard  
24 filing forms, fees, and uniform procedures for filing with, and  
25 obtaining information from, filing officers, including provisions for  
26 filing crop liens together with financing statements filed pursuant to  
27 RCW 62A.9-401 so that one request will reveal all filed crop liens and  
28 security interests.

29 (4) Any landlord claiming a lien under this chapter for rent shall  
30 file a statement evidencing the lien with the department of licensing

1 within thirty days of the beginning of the lease term. A lien for rent  
2 claimed by a landlord pursuant to this chapter shall be effective  
3 during the term of the lease for a period of up to five years. A  
4 landlord lien covering a lease term longer than five years may be  
5 refiled in accordance with RCW 60.11.050(4). A landlord who has a  
6 right to a share of the crop may place suppliers on notice by filing  
7 evidence of such interest in the same manner as provided for filing a  
8 landlord's lien.