

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6703

Chapter 278, Laws of 2002

57th Legislature
2002 Regular Session

AGRICULTURAL LIENS

EFFECTIVE DATE: 6/13/02

Passed by the Senate February 14, 2002
YEAS 47 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 7, 2002
YEAS 93 NAYS 0

FRANK CHOPP
**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6703** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

Approved March 29, 2002

FILED

March 29, 2002 - 4:13 p.m.

GARY LOCKE
Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6703

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen, Hochstatter, Shin, Sheahan, Swecker, Hewitt, Honeyford and Hale)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to agricultural liens; and amending RCW 60.13.010,
2 60.13.040, and 60.13.060.

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

4 **Sec. 1.** RCW 60.13.010 and 1991 c 174 s 2 are each amended to read
5 as follows:

6 As used in this chapter, the terms defined in this section have the
7 meanings indicated unless the context clearly requires otherwise.

8 (1) "Agricultural product" means any unprocessed horticultural,
9 vermicultural and its byproducts, viticultural, berry, poultry, poultry
10 product, grain, bee, or other agricultural products, and includes mint
11 or mint oil processed by or for the producer thereof and hay and straw
12 baled or prepared for market in any manner or form and livestock. When
13 used in RCW 60.13.020, "agricultural product" means horticultural,
14 viticultural, aquacultural, or berry products, hay and straw, milk and
15 milk products, vegetable seed, or turf and forage seed and applies only
16 when such products are delivered to a processor or conditioner in an
17 unprocessed form.

18 (2) "Conditioner," "consignor," "person," and "producer" have the
19 meanings defined in RCW 20.01.010.

1 (3) "Delivers" means that a producer completes the performance of
2 all contractual obligations with reference to the transfer of actual or
3 constructive possession or control of an agricultural product to a
4 processor or conditioner or preparer, regardless of whether the
5 processor or conditioner or preparer takes physical possession.

6 (4) "Preparer" means a person engaged in the business of feeding
7 livestock or preparing livestock products for market.

8 (5) "Processor" means any person, firm, company, or other
9 organization that purchases agricultural products except milk and milk
10 products from a consignor and that cans, freezes, dries, dehydrates,
11 cooks, presses, powders, or otherwise processes those crops in any
12 manner whatsoever for eventual resale, or that purchases or markets
13 milk from a dairy producer and is obligated to remit payment to such
14 dairy producer directly.

15 (6) "Commercial fisherman" means a person licensed to fish
16 commercially for or to take food fish or shellfish or steelhead legally
17 caught pursuant to executive order, treaty right, or federal statute.

18 (7) "Fish" means food fish or shellfish or steelhead legally caught
19 pursuant to executive order, treaty right, or federal statute.

20 **Sec. 2.** RCW 60.13.040 and 2001 c 32 s 6 are each amended to read
21 as follows:

22 (1) A producer or commercial fisherman claiming a processor or
23 preparer lien may file a statement evidencing the lien with the
24 department of licensing after payment from the processor, conditioner,
25 or preparer to the producer or fisherman is due and remains unpaid.
26 For purposes of this subsection and RCW 60.13.050, payment is due on
27 the date specified in the contract, or if not specified, then within
28 thirty days from time of delivery.

29 (2) The statement shall be in a record, authenticated by the
30 producer or fisherman, and shall contain in substance the following
31 information:

32 (a) A true statement or a reasonable estimate of the amount
33 demanded after deducting all credits and offsets;

34 (b) The name of the processor, conditioner, or preparer who
35 received the agricultural product or fish to be charged with the lien;

36 (c) A description sufficient to identify the agricultural product
37 or fish to be charged with the lien;

1 (d) A statement that the amount claimed is a true and bona fide
2 existing debt as of the date of the filing of the notice evidencing the
3 lien;

4 (e) The date on which payment was due for the agricultural product
5 or fish to be charged with the lien; and

6 (f) The department of licensing may by rule prescribe standard
7 filing forms, fees, and uniform procedures for filing with, and
8 obtaining information from, filing officers.

9 **Sec. 3.** RCW 60.13.060 and 1987 c 148 s 5 are each amended to read
10 as follows:

11 (1) The processor lien shall terminate (~~six~~) twelve months after,
12 and the preparer lien shall terminate fifty days after, the later of
13 the date of attachment or filing, unless a suit to foreclose the lien
14 has been filed before that time as provided in RCW 60.13.070.

15 (2) If a statement has been filed as provided in RCW 60.13.040 and
16 the producer or commercial fisherman has received payment for the
17 obligation secured by the lien, the producer or fisherman shall
18 promptly file with the department of licensing a statement declaring
19 that full payment has been received and that the lien is discharged.
20 If, after payment, the producer or fisherman fails to file such
21 statement of discharge within ten days following a request to do so,
22 the producer or fisherman shall be liable to the processor,
23 conditioner, or preparer in the sum of one hundred dollars plus actual
24 damages caused by the failure.

Passed the Senate February 14, 2002.

Passed the House March 7, 2002.

Approved by the Governor March 29, 2002.

Filed in Office of Secretary of State March 29, 2002.