

RCW 60.90.100 Priority among wage liens—Real property—Personal property—Wage lien not effective, when. (1) Priority among wage liens recorded pursuant to this chapter is determined by date of recording. The first to be recorded has priority.

(2) A wage lien as to real property recorded pursuant to this chapter shall be prior to any security interest, lien, mortgage, deed of trust, or other encumbrance that attached to the real property after, or was unrecorded at the time, such wage lien was recorded. A wage lien as to real property recorded pursuant to this chapter shall be subject and subordinate to any prior perfected security interest, lien, mortgage, deed of trust, or other encumbrance.

(3) With respect to personal property:

(a) A security interest perfected pursuant to Title 62A RCW has priority over a wage lien recorded pursuant to this chapter if the security interest was perfected or a financing statement covering the collateral was filed before the wage lien was recorded, provided there is no period thereafter when there is neither filing nor perfection. For the purposes of this subsection, the time of filing or perfection as to a security interest in collateral is also the time of filing or perfection as to a security interest in proceeds of the collateral.

(b) (i) A buyer of goods subject to a certificate of title that does not contain a statement that the goods are or may be subject to a wage lien takes free of a wage lien on such goods if the buyer gives value and receives delivery of the goods without knowledge of the wage lien.

(ii) A perfected security interest in goods subject to a certificate of title that does not contain a statement that the goods are or may be subject to a wage lien has priority over a wage lien on such goods.

(4) (a) A wage lien is not effective against:

(i) With respect to goods:

(A) A buyer in ordinary course of business, as defined in RCW 62A.1-201(b) (9); or

(B) A buyer of goods from a person who used or bought the goods for use primarily for personal, family, or household purposes takes free of a security interest, even if perfected, if the buyer buys without knowledge of the security interest, for value, primarily for the buyer's personal, family, or household purposes; and before the filing of the wage lien covering the goods;

(ii) Third persons who, prior to the filing of the wage lien notice required under this chapter, acquired title in good faith, for value and without actual notice of the wage lien, to property other than goods; or

(iii) The interest in real property of any person, who, prior to the filing of the wage lien notice required under this chapter, was a grantee under a recorded instrument conveying such interest, provided such person acquired the interest in good faith, for value, and without actual notice of the wage lien.

(b) A wage lien that is not effective against any person pursuant to this subsection is ineffective against the heirs, successors, or assigns of such person. [2021 c 102 § 11.]