

## IDAPA 34 – SECRETARY OF STATE

### Business Division

#### 34.05.02 – Rules Governing Liens in Crops for Seed or Liens in Crops for Farm Labor

##### **Who does this rule apply to?**

*Any person filing a lien, amendment, or termination of liens in crops for seed or liens in crops for farm labor as well as the creation and distribution of a master list of liens in crops for seed or liens in crops for farm labor.*

##### **What is the purpose of this rule?**

*Provides the requirements for filing a lien in crops for seed or liens in crops for labor; for the amendment or termination of these types of liens; as well as the manner of distribution of this information to those who subscribe to the Seed and Labor Lien list.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Liens, Mortgage and Phone -

Liens in Crops:

- [Section 45-313\(3\), Idaho Code](#) – Lien Search
- [Section 45-316, Idaho Code](#) – Administrative Rulemaking

##### **Who do I contact for more information on this rule?**

Secretary of State

700 West Jefferson Street, Room E205

Boise, ID 83720-0080

Phone: (208) 334-2852

Fax: (208) 334-2282

Email: [chouck@sos.idaho.gov](mailto:chouck@sos.idaho.gov)

<http://sos.idaho.gov>

# Table of Contents

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## **34.05.02 – Rules Governing Liens in Crops for Seed or Liens in Crops for Farm Labor**

000. Legal Authority. ....	2
001. Scope. ....	2
002. -- 009. (Reserved).....	2
010. Definitions. ....	2
011. -- 099. (Reserved).....	2
100. Requirements For Notice Of Claim Of Lien. ....	2
101. Amendment, Assignment, Extension, And Release Of Claim Of Lien. ....	2
102. -- 199. (Reserved).....	2
200. Registration And Subscription For List Of Liens In Crops For Seed Or Liens In Crops For Farm Labor. ....	2
201. List Of Notices Of Claim Of Lien (LIST). ....	3
202. -- 299. (Reserved).....	3
300. Request For Information. ....	3
301. Fees. ....	3
302. -- 999. (Reserved).....	3

**34.05.02 – RULES GOVERNING LIENS IN CROPS FOR SEED  
OR LIENS IN CROPS FOR FARM LABOR**

**000. LEGAL AUTHORITY.**

In accordance with Sections 67-903(9), 45-313(3), and 45-316, Idaho Code, the Secretary of State has authority to promulgate administrative rules in order to execute the duties of the Office of the Secretary of State. (7-1-21)T

**001. SCOPE.**

These rules govern the requirements for the filing, amendment, or termination of liens in crops for seed or liens in crops for farm labor, as well as the creation and distribution of a master list of liens in crops for seed or liens in crops for farm labor. (7-1-21)T

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

The definitions set forth in Section 45-302, Idaho Code, and the following terms apply to these rules. (7-1-21)T

**01. Family.** A group of related persons living together as one economic unit, comprised of parents and children, including step-children. (7-1-21)T

**02. Farm Laborer.** Anyone who provides farm labor used in the production of crops. When a business entity contracts for and provides such labor, e.g., aerial spraying or custom harvesting, the entity and not its individual employees shall be deemed to be the farm laborer. When individuals provide such labor directly to a producer, each individual is a farm laborer, whether or not they have been organized as a work crew or are members of a family which works as a unit. (7-1-21)T

**03. Notice of Claim of Lien.** A written notice on the public record of a claimant's lien in the crops of a producer. (7-1-21)T

**04. SOS.** Idaho Secretary of State. (7-1-21)T

**011. -- 099. (RESERVED)**

**100. REQUIREMENTS FOR NOTICE OF CLAIM OF LIEN.**

**01. Form.** The form for a notice of claim of lien shall be designated "SL-1" and must be completed in accordance with instructions provided by the SOS. (7-1-21)T

**a.** Collateral information codes assigned by the SOS shall be used to indicate the crop and the county where the crop is grown. The SOS will provide a list of the established codes upon request. (7-1-21)T

**02. Supplement.** If there is insufficient space on the form SL-1 for all producer and claimant information, the excess will be entered on a supplement form designated "SL-2." (7-1-21)T

**101. AMENDMENT, ASSIGNMENT, EXTENSION, AND RELEASE OF CLAIM OF LIEN.**

**01. Form.** The form for amendment, assignment, extension, and release of claim of lien is designated "SL-3" and must be completed in accordance with instructions provided by the SOS. (7-1-21)T

**a.** Collateral information codes assigned by the SOS shall be used to indicate the crop and the county where the crop is grown. The SOS will provide a list of the established codes upon request. (7-1-21)T

**02. Supplement.** If there is insufficient space on the first page of the form SL-3 for all information, the excess will be entered on an attached second page SL-3. (7-1-21)T

**102. -- 199. (RESERVED)**

**200. REGISTRATION AND SUBSCRIPTION FOR LIST OF LIENS IN CROPS FOR SEED OR LIENS IN CROPS FOR FARM LABOR.**

Any person may register and subscribe for regular distribution of lists of all presently effective notices of claim of liens in crops for seed or liens in crops for farm labor which have been filed under this rule. Unless otherwise set forth in this chapter, the registration and subscription for the list of liens in crops for seed or liens in crops for farm labor shall be administered by the rules as set forth in IDAPA 34.05.01, "Rules Governing Farm Products Central Filing

System,” Section 201. (7-1-21)T

**201. LIST OF NOTICES OF CLAIM OF LIEN (LIST).**

**01. Compilation and Distribution.** The SOS shall compile and make available to subscribers a list that includes all presently effective notices of claim of liens in crops for seed or liens in crops for farm labor. (7-1-21)T

**02. Schedule.** The list will be published on a bi-weekly schedule to be established by the SOS. (7-1-21)T

**03. Cut-Off.** In order to be included on a list, a notice of claim of lien must be received by the SOS at least one (1) business day prior to publication. (7-1-21)T

**04. Schedule.** At the beginning of each quarter, the SOS will make available a schedule of proposed publication dates for that calendar quarter. The SOS may, for good cause, deviate from the schedule, but every list will be marked with the actual date of publication. In no case will there be more than eighteen (18) days between publications of lists. (7-1-21)T

**202. -- 299. (RESERVED)**

**300. REQUEST FOR INFORMATION.**

Requests for information on notices of claim of liens in crops for seed or liens in crops for farm labor, both written and verbal, will comply with IDAPA 34.05.03, “Rule Governing Requests For Information -- Form UCC-4 -- Fees.” (7-1-21)T

**301. FEES.**

**01. Notice of Claim of Lien, Notice of Amendment, Assignment, or Extension.** (7-1-21)T

**a.** The fee is four dollars (\$4) if the form is filed online, and is eight dollars (\$8) in any other form, to be paid at the time of filing. (7-1-21)T

**02. Notice of Release.** No fee charged. (7-1-21)T

**03. Registration and Subscription for List of Notices.** The fees for registration and subscription are set forth in IDAPA 34.05.01, “Rules Governing Farm Products Central Filing System,” Subsections 303.02 and 303.03. (7-1-21)T

**04. Fees for Requests for Information.** The fees for requests for information on notices of claim are provided in IDAPA 34.05.03, “Rules Governing Requests For Information -- Form UCC-4 -- Fees.” (7-1-21)T

**302. -- 999. (RESERVED)**

# Subject Index

## A

Amendment, Assignment, Extension, &  
Release Of Claim Of Lien 2  
Form 2  
Supplement 2

## D

Definitions, IDAPA 34.05.02 2  
Family 2  
Farm Laborer 2  
Notice of Claim of Lien 2  
SOS, Idaho Secretary of State 2

## F

Fees 3  
Fees for Requests for  
Information 3  
Notice of Claim of Lien, Notice of  
Amendment, Assignment, or  
Extension 3  
Notice of Release 3  
Registration and Subscription for  
List of Notices 3

## L

Legal Authority 2  
List Of Notices Of Claim Of Lien  
(List) 3  
Compilation & Distribution 3  
Cut-Off 3  
Schedule 3

## R

Request For Information, Notices Of  
Claim Of Lien 3  
Requirements For Notice Of Claim Of  
Lien 2  
Form 2  
Supplement 2

## S

Scope 2