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IDAPA 34
TITLE 05
CHAPTER 02

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. (4-7-11)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 34.05.02, "Rules Governing Liens in Crops for Seed or Liens in Crops for Farm Labor," IDAPA 34, Title 05, Chapter 02. (4-7-11)

02. Scope. These rules shall 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. (4-7-11)

002. WRITTEN INTERPRETATIONS.
In accordance with Section 67-5201(19)(b)(iv), Idaho Code, documents relating to the interpretation of these rules, or to the documentation of compliance with the rules of this chapter, are available for public inspection and copying at the Office of the Secretary of State. (4-7-11)

003. ADMINISTRATIVE APPEALS.
This chapter does not provide for appeal. (4-7-11)

004. INCORPORATION BY REFERENCE.
No documents have been incorporated by reference into these rules. (4-7-11)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.
The principal place of business for the Office of the Secretary of State is located at 700 W. Jefferson, Room E205, Boise, Idaho 83720-0080. The Commercial Division is located at 450 N. 4th Street, Boise, Idaho 83720-0080. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except for legal holidays. The mailing address for the office is P. O. Box 83720, Boise, Idaho 83720-0080. The telephone number for the office is (208) 334-2300. The telephone number for lien inquiries is (208) 334-3191. The facsimile number for the office is (208) 334-2847. The office's website is http://www.sos.idaho.gov/. (4-7-11)

006. PUBLIC RECORDS ACT COMPLIANCE.
The rules contained herein have been promulgated in accordance with the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (4-7-11)

007. -- 009. (RESERVED)

010. DEFINITIONS.
The definitions set forth in Section 45-302, Idaho Code, apply with full force and effect to all provisions and sections of these rules. Where terms used in this rule are not defined herein, definitions and usage of terms from the Legal Authority in Section 000 of these rules are applicable. (4-7-11)

01. Family. A group of related persons living together as one economic unit, comprised of parents and children, including step-children. (7-1-93)

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. (7-1-93)

03. **Notice of Claim of Lien**. A written notice on the public record of a claimant's lien in the crops of a producer. (4-7-11)

04. **SOS**. Idaho Secretary of State. (4-7-11)

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." (4-7-11)

a. Form SL-1 must be completed in accordance with instructions provided by the SOS. (4-7-11)

b. Collateral information codes shall be used to indicate the crop and the county where the crop is grown. The collateral information codes shall be assigned by the SOS. The SOS will provide a list of the established codes upon request. (4-7-11)

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." (7-1-93)

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

01. **Form**. The form for amendment, assignment, extension, and release of claim of lien shall be designated "SL-3." (4-7-11)

a. Form SL-3 must be completed in accordance with instructions provided by the SOS. (4-7-11)

b. Collateral information codes shall be used to indicate the crop and the county where the crop is grown. The collateral information codes shall be assigned by the SOS. The SOS will provide a list of the established codes upon request. (4-7-11)

02. **Supplement**. If there is insufficient space on the first page of the form SL-3 for all information, the excess shall be entered on an attached second page SL-3. (7-1-93)

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. (4-7-11)

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

01. **Compilation and Distribution**. The SOS shall compile and distribute to subscribers therefore, a list which shall include all presently effective notices of claim of liens in crops for seed or liens in crops for farm labor. (4-7-11)

02. **Schedule**. The list will be published on a bi-weekly schedule to be established by the SOS. (4-7-11)

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. (4-7-11)

04. **Schedule**. At the beginning of each quarter, the SOS will distribute to each registrant 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. (4-7-11)

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." (4-7-11)

301. FEES.

01. **Notice of Claim of Lien**. (4-7-11)

a. The fee is four dollars ($4) if the form is typed or machine printed, and is eight dollars ($8) if hand written. (4-7-11)

b. The fee shall be paid at the time of filing. (7-1-93)

02. **Notice of Amendment, Assignment, or Extension**. (4-7-11)

a. The fee is four dollars ($4) if the form is typed or machine printed, and is eight dollars ($8) if hand written. (4-7-11)

b. The fee shall be paid at the time of filing. (7-1-93)

03. **Notice of Release**. No fee charged. (7-1-93)

04. **Registration and Subscription for List of Notices**. The fees for registration and subscription shall be as set forth in IDAPA 34.05.01, "Rules Governing Farm Products Central Filing System," Subsections 303.02 and 303.03. (4-7-11)

05. **Fees for Requests for Information**. The fees for requests for information on notices of claim of liens in crops for seed or liens in crops for farm labor, both written and verbal, and for copies of notices of claim of liens in crops for seed or liens in crops for farm labor reported on the certificate, are provided in IDAPA 34.05.03, "Rules Governing Requests For Information -- Form UCC-4 -- Fees." (4-7-11)

302. -- 999. (RESERVED)

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