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ENGROSSED SUBSTITUTE SENATE BILL 6703

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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.

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