

Sixtieth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2285

Introduced by

Senator Krauter

Representatives Froelich, Kerzman, Mueller

1 A BILL for an Act to amend and reenact sections 35-17-04, 35-30-02, and 35-31-02 of the North
2 Dakota Century Code, relating to notification of debtor of agister's lien, agricultural processor's
3 lien, and agricultural supplier's lien.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 35-17-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **35-17-04. Procedure to obtain lien - Statement filed - Contents - Waiver.**

8 1. Any person entitled to an agister's lien, within ninety days after taking possession
9 of the animal, may file in the office of the recorder in any county in this state or in
10 the office of the secretary of state, a verified statement containing the following
11 information:

12 ~~4-~~ a. The number of and a description of the animals subject to the lien and the
13 legal description as to the location of the animals.

14 ~~2-~~ b. The name and address of the person for whom the animals are kept.

15 ~~3-~~ c. The name and address of the lienholder.

16 ~~4-~~ d. The price agreed upon for keeping the animals and, if no price was agreed
17 upon, the reasonable value of the services.

18 ~~5-~~ e. The social security number or, in the case of a debtor doing business other
19 than as an individual, the internal revenue service taxpayer identification
20 number of the person for whom the animals are kept.

21 2. The secretary of state and the office of the recorder in any county in this state with
22 which a verified statement under subsection 1 is submitted for filing shall reject the
23 statement unless the statement is accompanied by proof of mailing of notification

1 of the lien to the debtor's last-known address by registered or certified mail with
2 return receipt requested.

- 3 3. The secretary of state shall prescribe one form that can be used to obtain a lien
4 under this section or gain protection under the central notice system, or both. If the
5 statement is not filed within ninety days as required by this section, the person
6 entitled to the lien under section 35-17-03 waives the lien.

7 **SECTION 2. AMENDMENT.** Section 35-30-02 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **35-30-02. Procedure to obtain lien.**

- 10 1. To obtain an agricultural processor's lien, the person entitled to the lien, within
11 ninety days after the processing is completed, shall file a verified statement in the
12 office of the recorder in any county in this state or in the office of the secretary of
13 state. The statement must contain the following information:
- 14 ~~1-~~ a. The name and address of the person for whom the processing was done.
15 ~~2-~~ b. The name and address of the processor.
16 ~~3-~~ c. A description of the crops or agricultural products and their amount, if known,
17 subject to the lien together with a reasonable description, including the county
18 as to the location where the crops or agricultural products were grown and the
19 year the crop is to be harvested or was harvested.
20 ~~4-~~ d. The price agreed upon for processing, or if no price was agreed upon, the
21 reasonable value of the processing.
22 ~~5-~~ e. The social security number or, in the case of a debtor doing business other
23 than as an individual, the internal revenue service taxpayer identification
24 number of the person for whom the processing was done.
25 ~~6-~~ f. A description of the processing services and the first date the services were
26 furnished.
- 27 2. The secretary of state and the office of the recorder in any county in this state with
28 which a verified statement under subsection 1 is submitted for filing shall reject the
29 statement unless the statement is accompanied by proof of mailing of notification
30 of the lien to the debtor's last-known address by registered or certified mail with
31 return receipt requested.

1 3. The secretary of state shall prescribe one form that can be used to obtain a lien
2 under this section or gain protection under the central notice system, or both.

3 Before a processor's lien is filed, a billing statement for the services performed
4 must include notice to the agricultural producer that if the amount due to the
5 agricultural processor is not satisfied a lien may be filed.

6 **SECTION 3. AMENDMENT.** Section 35-31-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **35-31-02. Procedure to obtain lien.**

9 1. To obtain an agricultural supplier's lien, except an agricultural supplier's lien for
10 furnishing petroleum products, the person entitled to the lien, within one hundred
11 twenty days after the supplies are furnished or the services performed, shall file a
12 verified statement in the office of the recorder of any county in this state or in the
13 office of the secretary of state. To obtain an agricultural supplier's lien for
14 furnishing and delivering petroleum products, the person entitled to the lien, within
15 one hundred fifty days after the petroleum products are furnished or delivered,
16 shall file a verified statement in the office of the recorder of any county in the state
17 or in the office of the secretary of state. The statement must contain the following
18 information:

- 19 ~~4.~~ a. The name and address of the person to whom the supplies were furnished.
20 ~~2.~~ b. The name and address of the supplier.
21 ~~3.~~ c. A description of the crops, agricultural products, or livestock and their amount
22 or number, if known, subject to the lien together with a reasonable description,
23 including the county as to the location of the crops, agricultural products, or
24 livestock and the year the crop is to be harvested or was harvested.
25 ~~4.~~ d. A description and value of the supplies and the first date furnished.
26 ~~5.~~ e. The social security number or, in the case of a debtor doing business other
27 than as an individual, the internal revenue service taxpayer identification
28 number of the person to whom the supplies were furnished.

29 2. The secretary of state and the office of the recorder in any county in this state with
30 which a verified statement under subsection 1 is submitted for filing shall reject the
31 statement unless the statement is accompanied by proof of mailing of notification

1 of the lien to the debtor's last-known address by registered or certified mail with
2 return receipt requested.

3 3. The secretary of state shall prescribe one form that can be used to obtain a lien
4 under this section or gain protection under the central notice system, or both.
5 Before a supplier's lien is filed, a billing statement for the supplies furnished must
6 include notice to the agricultural producer that if the amount due to the agricultural
7 supplier is not satisfied a lien may be filed.