

## Alabama

### ● **GENERAL PROPERTY LAWS (*AGRICULTURAL LABORERS' LIENS*)**

*STATUTORY CITATION:* Ala. Code 1975 § 35-11-91

*GENERAL SUMMARY:* Chapter 11 of the Alabama property laws provides for the enforcement of liens against certain kinds of property for the settlement of related claims against the property owner.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Agricultural laborers and plantation superintendents may enforce a lien against current-year crops grown by farm operators for whom such laborers or superintendents have worked, as a means of collecting unpaid wages for labor and services rendered in connection with those crops. With respect to a farm operator against whom a laborer's lien is declared, however, any lien by a landlord for rent and advances or any other lien for supplies furnished to make the crops must be settled first, before the laborer may collect for wages due.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – To enforce an agricultural laborer's lien, the worker must bring suit in an appropriate state or local court, using a private attorney or public legal service provider.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *None.*

## Arizona

### ● ARIZONA PROPERTY LAWS (*FARM SERVICES LIENS*)

*STATUTORY CITATION:* Ariz. Rev. Stat. §§ 33-901 – 33-909

*GENERAL SUMMARY:* The Arizona property laws include a provision for farm service liens.

*SPECIFIC TERMS AND CONDITIONS:* A person who performs labor in connection with planting of a crop on agricultural land and who does not receive wages due for such services is entitled to a lien on the crops produced on that land in settlement of all unpaid amounts. A worker claiming a lien under this provision must file a claim with the county recorder for the county in which the land is located within 10 days after the labor is performed. Within 6 months after filing the claim, the worker must bring suit against the farm operator or landowner in order to enforce the lien.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As noted above, a worker who wishes to collect unpaid wages under these provisions must take legal action in civil court, using a private attorney or a public legal service provider.

## Colorado

### ● HARVESTERS' LIEN LAW

*STATUTORY CITATION:* Colo. Rev. Stat. §§ 38-24.5-101 – 38-24.5-108

*GENERAL SUMMARY:* Article 24.5 of the state property laws provides certain farmworkers with the right to a lien against the crops on which they perform harvest labor in the event of non-payment of wages.

#### *SPECIFIC TERMS AND CONDITIONS*

**RIGHT TO LIEN** — Any person who harvests grain or other crops, manually or by machine, has a lien on the crop or crops involved as compensation for labor whenever the farm operator or landowner fails or refuses to pay the laborer's wages.

**ENFORCEMENT OF LIEN** — A worker who has not been paid full wages for harvest labor performed for the owner of the crop must, no later than 10 days after the work is finished, notify the owner via certified mail that a lien will be claimed within 20 days. Within those 20 days, the worker must submit a claim to the Secretary of State's office detailing the amount of unpaid wages, the crop or crops involved, the name of the farm owner, and related information; the lien must also be filed with the county clerk and recorder. A civil suit, through private legal counsel or a public legal service provider, may then be brought to enforce the lien, provided the action commences within 3 months from the filing of the lien.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *None.*

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *None.*

**PRIVATE CIVIL ACTION** — As noted above, these provisions are enforced in the civil courts.

## Idaho

### ● STATE LIEN LAWS (*FARM LABORER'S LIEN*)

*STATUTORY CITATION:* Idaho Code § 45-303

*RELATED REGULATIONS:* Idaho Admin. Code R. 34.05.02

*GENERAL SUMMARY:* Chapter 3 of the Idaho lien and mortgage statutes provides farm laborers with the right to a lien against the crops on which they perform labor in the event of non-payment of wages.

#### *SPECIFIC TERMS AND CONDITIONS*

**RIGHT TO LIEN** — Any person who performs farm labor on a farm in furtherance of production of a crop in Idaho has a lien on the crop or crops involved as reasonable compensation for labor whenever the farm operator or landowner fails or refuses to pay the laborer's wages in full.

**NOTICE OF CLAIM** — A worker who has not been paid full wages for farm labor performed for a farm producer or landowner should, no later than 120 days after the work is finished, file a notice of claim with the Idaho Secretary of State's office. The notice must specify the type of claim (farm laborer's lien), the name and address of the producer, the name and address of the claimant, the county or counties where the crop or crops were grown, the name of the commodity to which the lien applies, and the amount of the claim, not including interest.

**ENFORCEMENT OF LIEN** — A civil suit may be brought to enforce the lien, through private legal counsel or a public legal service provider. A farm laborer's lien may not bind the crop or crops involved for a period longer than 12 months after the claim is filed, but the notice of claim may be extended an additional 6 months by application to the Secretary of State's office within 60 days prior to the expiration of the original 12-month period.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *Office of the Secretary of State, Boise, Idaho 83720 (208-334-3191)*. This agency is responsible for accepting and filing claims under the farm laborer's lien provision, but does not have any investigative or enforcement authority.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *None*.

## Mississippi

### ● **DEBTOR-CREDITOR LAWS (*CROP LIENS*)**

*STATUTORY CITATION:* Miss. Code § 85-7-1 and §§ 85-7-31 – 85-7-53

*GENERAL SUMMARY:* Chapter 7, Article 1 of the state statutes regulating the debtor-creditor relationship includes provisions granting farm laborers a lien on the crops in which they are employed for recoupment of unpaid wages.

*SPECIFIC TERMS AND CONDITIONS:* Every farmworker who cultivates, harvests or prepares for sale or market any crop in the state may assert a lien on the crop in order to collect unpaid wages from the farm owner or operator for whom such services were performed. The worker may enforce the lien by filing an affidavit before a clerk or justice in the county where the farm or crop is located. On receipt of a valid affidavit, the county official is required to issue a writ authorizing seizure of the crop and summoning the farm owner or operator to court to answer the complaint.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As outlined above, crop liens are enforceable only through the civil courts. A worker who wishes to assert his or her right to such a lien should consult with a private attorney or public legal service provider.

## Montana

### ● FARM LABORERS' LIEN LAW

*STATUTORY CITATION:* Mont. Code §§ 71-3-401 – 71-3-408

*GENERAL SUMMARY:* State law grants farm laborers in Montana a lien on their employer's crops as security for the payment of wages for their services, up to \$1,000 per worker.

#### *SPECIFIC TERMS AND CONDITIONS*

**ENTITLEMENT** — Other than a worker who quits without cause before the end of the agreed-upon term of employment, a person who performs services as a farm laborer and who does not receive all wages due from the farm operator is entitled to a lien on the crops grown or harvested by the operator, for up to \$1,000 in unpaid wages. The farm laborers' lien has priority over all other liens, mortgages and encumbrances, except seed grain and threshers' liens and three months' feed for one horse, two cows and their calves, four hogs, and 50 domestic fowl.

**ENFORCEMENT** — To enforce the lien, the worker must file a claim with the office of the Secretary of State, within 30 days after the worker's services for the employer are completed. The statement of the claim must be signed by the worker and (1) include the names and addresses of both the worker and the farm operator, (2) note that the claim is a farm laborer's lien, (3) describe the farm products that are the basis of the lien, (4) describe the nature of the services performed by the worker and the terms and period of employment, (5) state the amount of the wages agreed on and the amount of the unpaid wages, and (6) specify the county where the crops are located.

With legal counsel arranged by the worker, court action to enforce the lien must be commenced within 90 days of filing.

**DISCHARGE OF THE LIEN** — Once the unpaid wages have been received and the lien has been satisfied, the worker is required to file a termination statement with the Secretary of State's office, on a form prescribed for that purpose.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – *UCC Division, Montana Secretary of State, Helena, Montana 59620 (406-444-2468)*. This office is responsible for receiving and recording liens filed by workers and others with claims for unpaid debts.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *None*.

**PRIVATE CIVIL ACTION** — As indicated above, the farm laborers' lien is enforceable only through the civil courts, using private legal counsel or a public legal service provider. The lien should be filed as soon as possible after wages become due and unpaid.

## South Carolina

### ● **AGRICULTURAL LIEN LAWS**

*STATUTORY CITATION:* S.C. Code §§ 29-13-10 – 29-13-130

*GENERAL SUMMARY:* South Carolina's lien laws affirm the right of farmworkers to a lien against the crops of their employers in the event the workers fail to receive full compensation for their labor.

*SPECIFIC TERMS AND CONDITIONS:* Laborers who perform services in the production of any crop, whether for a share of the crop or for wages, are entitled to a lien on the crop to the extent of the amount due them for such labor. The lien of a farmworker or sharecropper is second in priority only to the landowner's lien for unpaid rent.

#### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** – These provisions are enforceable through the courts. Any worker who has not received full compensation for his or her labor on a crop may enforce the agricultural laborers' lien in a civil action, utilizing private legal counsel or a public legal service provider.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** – *None.*

## Tennessee

### ● CROP LIEN LAWS

*STATUTORY CITATION:* Tenn. Code §§ 66-12-101 – 66-12-115

*GENERAL SUMMARY:* Chapter 12 of the Tennessee property statutes includes provisions granting farm laborers a lien on the crops they help produce, enforceable in the event of non-payment of wages or compensation.

*SPECIFIC TERMS AND CONDITIONS:* Any worker who cultivates the soil or performs related services on a crop in accordance with a verbal or written contract with a farm operator, and who does not receive full wages or compensation as agreed on in the contract, may enforce a lien on the crop at any time within 3 months after November 15 of the year in which the labor on the crop was performed. The worker must file a sworn statement of the claim before the appropriate court in order to preserve this right, and the laborer's lien is second only to any landlord's lien for unpaid rent or supplies.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — These provisions are enforceable only through the courts. A farmworker who does not receive all wages earned in the production of a crop should consult a lawyer about foreclosure of the worker's lien, as well as other legal avenues for recovering the unpaid wages.

## Texas

### ● **PROPERTY CODE (*FARM, FACTORY, AND STORE WORKERS' LIENS*)**

*STATUTORY CITATION:* Tex. Prop. Code §§ 58.001 – 58.009

*GENERAL SUMMARY:* Chapter 58 of the Texas Property Code establishes a worker's lien on the property of certain employers, for wages earned by the worker in the performance of labor under a contract of hire.

*PROVISIONS APPLICABLE TO AGRICULTURE:* A farmworker who is employed by a farm operator under an oral or written contract, and who does not receive payment in full for the services performed on the employer's crop, has a lien on the crop and related equipment in the amount of the unpaid wages.

To secure the lien, the worker must present a written statement of the claim to the employer and file a verified copy of the statement with the county clerk in the jurisdiction in which the services were performed, both within 30 days after the wages became due. No later than 6 months after securing the lien in this manner, the worker must bring suit to foreclose the lien, or the claim ceases to exist. A worker's lien for wages is second in priority only to a lien by the landowner, if any, for unpaid rent.

#### *ADMINISTRATION AND ENFORCEMENT*

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As noted above, enforcement of a worker's lien requires court action. Farmworkers who wish to use this approach to collect unpaid wages should consult a private attorney or a public legal service provider.