

**Farm Products Central Filing System
Administrative Rule IDAPA 34.05.01**

**Liens in Crops for Seed or
Liens in Crops for Farm Labor
Administrative Rule IDAPA 34.05.02**

**Requests for Information --
Form UCC4 -- Fees
Administrative Rule IDAPA 34.05.03**

**Title 45, Chapter 18, Idaho Code
Agricultural Commodity Dealer Act**

Current through the 2014 Legislative Session



*Printed under authority of
Lawrence Denney
Secretary of State
Boise, Idaho*

Uniform Commercial Code Division Fee Schedule

Filing fees for Financing Statements (UCC-Basic)

Paper filing on standard forms of UCC-1 financing statement or UCC-3 continuation, assignment, amendment, release or termination

document of 1 or 2 pages \$6.00

document of 3 or more pages \$12.00

Financing Statement Search UCC-4

Info (Basic)..... \$12.00

Info & Copies (Basic) \$12.00

Expedite Info or Info & Copies..... \$12.00

Electronic filing of UCC-1 financing statement or UCC-3 continuation, assignment, amendment, release or termination

Filing Fee \$3.00

Access Fee..... \$1.00

Filing fees for all other types of liens

UCC-1F farm products financing statement or UCC-3F continuation, assignment or amendment..... \$10.00

SL-1 notice of claim of lien in crops or

an SL-3 extension of notice \$4.00

C-1 notice of lien on agricultural products \$5.00

C-2 notice of discharge of lien on agricultural products.....N/C

Termination statement or release of claim of lien in cropsN/C

Additional fee for filing a form that is not typed \$4.00

Additional fee for attachments (1F, 3F, SL1) per page \$1.00

Request for information fees (searches)

Information on only one type of filed document; e.g. farm products financing statements, notices of claim of lien in crops, or notices of government liens \$6.00
Information on agricultural commodity crop liens \$5.00
Information on two or more types of filed documents \$10.00
Additional fee for copies of reported documents..... \$6.00
Additional fee for not typing the form \$4.00
Additional fee for expedited search \$10.00

Miscellaneous fees

Copies of filed UCC documents from UCC records - per page..... \$1.00
Other Copies (4 or more pages) - per page \$0.25

The UCC Article 9 User Guide and the Farm Products Filings System booklets are available at no charge.

To receive a copy -
email: ucc@sos.idaho.gov
fax: 208-334-2847 or
phone: 208-334-3191

TABLE OF CONTENTS

34.05.01 - Rules Governing Farm Products Central Filing System

000. Legal Authority.	1
001. Title And Scope.	1
002. Written Interpretations.	1
003. Administrative Appeals.	1
004. Incorporation By Reference.	1
005. Office — Office Hours — Mailing Address And Street Address.	1
006. Public Records Act Compliance.	2
007. — 009. (Reserved).	2
010. Definitions.	2
011. Abbreviations.	2
012. — 019. (Reserved).	3
020. Unique Identifier Number (UIN)	3
021. — 099. (Reserved).	3
100. Farm Products Financing Statement Requirements.	3
101. Amendment, Assignment, Continuation, And Termination Of A Farm Products Financing Statement.	3
102. Farm Products Financing Statements Under The Uniform Commercial Code.	4
103. — 199. (Reserved).	5
200. Collateral Information Codes.	5
201. Registration Of Buyers, Commission Merchants, And Selling Agents — Subscription To A PML	10
202. — 299. (Reserved).	11
300. Form And Distribution Of A PML And CS	11
301. Generation Of Ad Hoc Information Reports.	12
302. Requests For Information.	12
303. Fees.	13
304. — 999. (Reserved).	14

34.05.02 - Rules Governing Liens in Crops for Seed or Liens in Crops for Farm Labor

000. Legal Authority.	15
001. Title And Scope.	15
002. Written Interpretations.	15
003. Administrative Appeals.	15
004. Incorporation By Reference.	15
005. Office — Office Hours — Mailing Address And Street Address.	15
006. Public Records Act Compliance.	16
007. — 009. (Reserved).	16
010. Definitions.	16
011. — 099. (Reserved).	16
100. Requirements For Notice Of Claim Of Lien.	16
101. Amendment, Assignment, Extension, And Release Of Claim Of Lien.	17
102. — 199. (Reserved).	17

TABLE OF CONTENTS

34.05.02 - Rules Governing Liens in Crops for Seed or Liens in Crops for Farm Labor (continued)

200. Registration And Subscription For List Of Liens In Crops For Seed Or Liens In Crops For Farm Labor. 17
201. List Of Notices Of Claim Of Lien (LIST). 17
202. — 299. (Reserved). 18
300. Request For Information. 18
301. Fees. 18
302. — 999. (Reserved). 18

34.05.03 - Requests for Information - Form UCC-4 - Fees

000. Legal Authority And References 19
001. — 003. (Reserved) 19
004. Definitions 19
005. — 010. (Reserved) 20
011. Requests For Information 20
012. Verbal Requests For Information 20
013. Fees 21
014. — 999. (Reserved) 21

TITLE 45, CHAPTER 18 - AGRICULTURAL COMMODITY DEALER LIENS

45-1801 DEFINITIONS. 22
45-1802 LIEN CREATED -- WHO MAY HAVE. 22
45-1803 WHEN LIEN ATTACHES. 22
45-1804 DURATION OF LIEN -- NOTICE OF LIEN. 23
45-1805 PRIORITY OF LIEN. 23
45-1806 DISCHARGE OF LIEN. 23
45-1807 FILING NOTICE OF DISCHARGE. 23
45-1808 FORM OF FILING WITH SECRETARY OF STATE -- FEES. 24
45-1809 JOINDER OF ACTIONS -- FILING FEES AS COSTS --
ATTORNEY'S FEES. 24
45-1810 TRANSITION FROM COUNTY FILING TO FILING WITH THE
SECRETARY OF STATE. 24

**IDAPA 34
TITLE 05
CHAPTER 01**

**34.05.01 - RULES GOVERNING FARM PRODUCTS
CENTRAL FILING SYSTEM**

000. LEGAL AUTHORITY.

In accordance with Sections 67-903(9), 28-9-523(g), and 28-9-524, 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. This authority includes rules to implement and maintain the USDA certified Idaho Central Filing System, in accordance with P.L. 99-198, Section 1324 of the Federal Food Security Act (1985) and Title 9, CFR Part 205 (2010). (4-7-11)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 34.05.01, "Rules Governing Farm Products Central Filing System," IDAPA 34, Title 05, Chapter 01. (4-7-11)

02. Scope. These rules shall govern the requirements for the filing of Farm Products Financing Statements, for the filing of amendments to Farm Products Financing Statements, and for the compilation and distribution of a master list of Farm Products Financing Statements, and portions of the master list. (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. There are no documents that 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 address 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 28-9-102, Idaho Code, apply with full force and effect to all provisions and sections of these rules. Where terms used in this rule are not explicitly or completely defined herein, definitions and usage of terms from the Legal Authority in Section 000 of these rules are applicable. (4-7-11)

01. Crop Year. (7-1-93)

a. For a plant or plant product, the calendar year in which it is harvested or to be harvested. (7-1-93)

b. For mammals, the calendar year in which they are born or acquired. (7-1-93)

c. For bees and worms, the calendar year in which they are alive in adult form. (7-1-93)

d. For poultry and the products of mammals, poultry, and bees (i.e., milk, eggs, and honey), the calendar year in which they are sold or to be sold. (4-7-11)

e. For fish and other aquaculture, the calendar year in which they are harvested or to be harvested. (7-1-93)

02. Farm Products Financing Statement. A financing statement covering farm products. (4-7-11)

03. Item on a Master List or Portion of a Master List. An entry on a master list or portion of a master list relating to one (1) Farm Products Financing Statement and one (1) debtor listed thereon. (4-7-11)

04. PML Grouping. That related group of farm products which will appear on one (1) PML. (4-7-11)

011. ABBREVIATIONS.

Where abbreviations used in these rules are not explicitly or completely defined herein, definitions and usage of abbreviations from the Legal Authority in Section 000 of these rules are applicable. (4-7-11)

01. CS. A cumulative supplement to a PML which contains all additions to, changes to, and deletions from the PML which have been filed since the most recent publication of the complete PML. (4-7-11)

02. PML. A portion of the master list, which covers Farm Products Financing Statements relating to a particular farm product or group of farm products. (4-7-11)

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

04. USDA. United States Department of Agriculture. (4-7-11)

012. — 019. (RESERVED).

020. UNIQUE IDENTIFIER NUMBER (UIN).

01. UIN System. The Secretary of State’s Office shall use a UIN system that has been approved and certified by the USDA for the Idaho Central Filing System in place of the former use of complete social security numbers as a means of debtor identification. (4-7-11)

02. Social Security Numbers and Tax Identification Numbers. With the use of UINs, as approved by the USDA, the SOS will no longer require or accept social security numbers or tax identification numbers, in total, on Farm Products Financing Statements. Only the last four (4) digits shall be required and used. The SOS will not provide social security numbers or tax identification numbers, in total, to any person or business entity, in any format, from Farm Products Financing Statements. (4-7-11)

021. — 099. (RESERVED).

100. FARM PRODUCTS FINANCING STATEMENT REQUIREMENTS.

01. Form. A Farm Products Financing Statement must meet the requirements of Section 28-9-502, Idaho Code, and must be filed on SOS form “UCC-1F.” (4-7-11)

02. Completion of Form. Form UCC-1F must be completed in accordance with instructions provided by the SOS. (4-7-11)

101. AMENDMENT, ASSIGNMENT, CONTINUATION, AND TERMINATION OF A FARM PRODUCTS FINANCING STATEMENT.

01. Form. An amendment, assignment, or continuation of a Farm Products Financing Statement must be filed on SOS form “UCC-3F.” (4-7-11)

02. Completion of Form. Form UCC-3F must be completed in accordance with instructions provided by the SOS. (4-7-11)

03. Termination. Termination of a Farm Products Financing Statement will be done either by the secured party’s signature on the termination signature line on the original of the UCC-1F or by checking the termination box on the UCC-3F.(4-7-11)

102. FARM PRODUCTS FINANCING STATEMENTS UNDER THE UNIFORM COMMERCIAL CODE.

Unless otherwise provided for in this chapter, Farm Products Financing Statements shall be governed by IDAPA 34.05.06, “Administrative Rules Governing Lien Filings Under the UCC,” with the following exceptions: (4-7-11)

01. IDAPA 34.05.06.101.05 “File Number.” Subsection 101.05 only applies in that a unique number shall be assigned. For Farm Products Financing Statements, the filing type shall be designated as “F” followed by a number that is assigned sequentially. The filing number bears no relation to the time of filing and is not an indicator of priority. (4-7-11)

02. IDAPA 34.05.06.108 “Acceptable Forms.” Section 108 does not apply to Farm Products Financing Statements. (4-7-11)

03. IDAPA 34.05.06.111 “Filing Fees.” Section 111 does not apply to Farm Products Financing Statements. (4-7-11)

04. IDAPA 34.05.06.115.01 “Individually Identified Documents.” Subsection 115.01 does not apply to Farm Products Financing Statements. Copies of Farm Products Financing Statements shall be made available either from a computer terminal in the reception area in the filing office or through any medium otherwise accepted by the filing office. There is a charge of one dollar (\$1) per page for copies of Farm Products Financing Statements pursuant to Section 28-9-523(k), Idaho Code. (4-7-11)

05. IDAPA 34.05.06.202.02 “Additional Debtor Identification.” Subsection 202.02 does not apply to Farm Products Financing Statements. (4-7-11)

06. IDAPA 34.05.06.301.01 “Identification Numbers.” Subsection 301.01 applies, however, each Farm Products Financing Statement is identified by its file number as described in Subsection 102.01 of these rules. (4-7-11)

07. IDAPA 34.05.06.301.05 “Status of Financing Statement.” Subsection 301.05 does not apply to Farm Products Financing Statements. (4-7-11)

08. IDAPA 34.05.06.302.01 “Individual Name Fields.” Subsection 302.01 applies, however, no indicator is used to distinguish the name as that of an individual. (4-7-11)

09. IDAPA 34.05.06.302.05 “No Assumed Business Names.” Subsection 302.05 does not apply to Farm Products Financing Statements. However, if an assumed business name is used as the debtor name, the required information shall be as indicated in Subsection 020.02 of these rules. (4-7-11)

10. IDAPA 34.05.06.303.01 “Single Field.” Subsection 303.01 applies, however, no indicator is used to distinguish the name as that of an organization. (4-7-11)

11. IDAPA 34.05.06.303.03 “No Assumed Business Name.” Subsection 303.03 does not apply to Farm Products Financing Statements. However, if an assumed business name is used as the debtor name, the required information shall be as indicated in Subsection 020.02 of these rules. (4-7-11)

12. IDAPA 34.05.06.306.02 “Status of Debtor.” Subsection 306.02 does not apply to Farm Products Financing Statements. (4-7-11)

13. IDAPA 34.05.06.306.03 “Status of Financing Statement.” Subsection 306.03 does not apply to Farm Products Financing Statements. (4-7-11)

14. IDAPA 34.05.06.310 “Termination.” Section 310 does not apply to Farm Products Financing Statements. (4-7-11)

15. IDAPA 34.05.06.312 “Procedure Upon Lapse.” Section 312 only applies to Farm Products Financing Statements in that a Farm Products Financing Statement lapses on its lapse date. Upon lapse of a Farm Products Financing Statement, the information management system shall cause the Farm Products Financing Statement to no longer be made available to the searcher. (4-7-11)

16. IDAPA 34.05.06.407 “Data Entry of Names - Designated Fields.” Section 407 applies to Farm Products Financing Statements, however, the filer is not required to designate whether a name is an individual or an organization. (4-7-11)

17. IDAPA 34.05.06.408 “Data Entry of Names - No Designated Fields.” Section 408 does not apply to Farm Products Financing Statements. (4-7-11)

18. IDAPA 34.05.06.410.02 “Name and Address of Each Debtor.” Subsection 410.02 applies to Farm Products Financing Statements, however, each debtor name is removed from the searchable index upon lapse or termination. (4-7-11)

19. IDAPA 34.05.06.411.03 “Amendment Financing Statement Lapses.” Subsection 411.03 applies to Farm Products Financing Statements, however, each debtor name is removed from the searchable index upon lapse or termination. (4-7-11)

20. IDAPA 34.05.06.413 through IDAPA 34.05.06.504. Sections 413 through 504 do not apply to Farm Products Financing Statements. (4-7-11)

103. — 199. (RESERVED).

200. COLLATERAL INFORMATION CODES.

Codes are used to describe farm product collateral on the Farm Products Financing Statements and amendments, on the master list maintained by the SOS, and on the PMLs distributed to registered buyers, commission merchants, and selling agents. Assignment of farm product codes and PML Groupings, county codes, and farm product unit codes shall be done by the SOS. The SOS will provide a list of the established codes upon request. (4-7-11)

01. PML Groupings and Farm Product Codes. The table of PML Groupings, farm products, and their codes is as follows:

PML No.	PML Grouping	FP Code	FP Name
1	Wheat and Buckwheat	010	Wheat
		011	Buckwheat
2	Feed and Oil Grains	020	Barley
		021	Rye (including Triticale)
		022	Oats
		023	Sorghum Grain
		024	Flaxseed
		025	Safflower
		026	Rape (including Canola)
		027	Field Corn
3	Hay	028	Millet
		030	Hay
4	Ensilage	040	Ensilage
5	Potatoes	050	Potatoes
6	Sugar Beets	060	Sugar Beets
7	Dry Beans	070	Dry Beans
8	Dry Peas, Lentils and Garbanzos	080	Dry Peas
		081	Lentils
		082	Garbanzos (Chick Peas)
9	Sweet Corn	090	Sweet Corn
10	Onions and Garlic	100	Onions
		101	Onion Seed
		102	Garlic

PML No.	PML Grouping	FP Code	FP Name
11	Mint	110	Mint
12	Hops	120	Hops
13	Popcorn & Sunflower Seeds	130	Popcorn
		131	Sunflower Seeds
14	Soybeans	140	Soybeans
15	Rice	150	Rice
16	Seeds	160	Grass for Seed
		161	Alfalfa for Seed
		162	Other Hay Legumes for Seed
		163	Garden Vegetables and Flower Seeds
		164	Seed Potatoes
		165	Row Crops for Seed
17	Vegetables & Melons	170	Green Peas
		171	Tomatoes
		172	Lettuce
		173	Cucumbers
		174	Broccoli
		175	Cauliflower
		176	Lima Beans
		177	Green Beans
		178	Melons
		179	Carrots
		180	Turnips
		181	Asparagus
		182	Spinach and Collards
		183	Pumpkins and Squash
		184	Radishes
		185	Peppers
		186	Herbs

PML No.	PML Grouping	FP Code	FP Name
19	Fruits	190	Apples
		191	Apricots
		192	Cherries
		193	Nectarines
		194	Peaches
		195	Pears
		196	Plums
20	Berries	200	Strawberries
		201	Raspberries
21	Nursery Products	210	Sod
		211	Nursery Stock (Trees and Shrubs)
		212	Christmas Trees
		213	Flowers and Potted Plants
22	Mushrooms	220	Mushrooms
23	Grapes	230	Grapes
50	Beef Animals	500	Beef Cattle and Calves
		501	Beefalo
		502	Bison
51	Sheep, Wool	510	Sheep and Lambs Goats and Llamas
		511	Wool
		512	Goats
		513	Llamas
52	Hogs	520	Hogs
53	Dairy	530	Dairy Cattle
		531	Milk

PML No.	PML Grouping	FP Code	FP Name
54	Equines	540	Horses
		541	Mules
		542	Donkeys and Burros
55	Chickens and Eggs	550	Chickens
		551	Eggs
56	Other Fowl	560	Turkeys
		561	Ducks
		562	Geese
		563	Game Birds
		564	Ostriches, Emus, and Rheas
57	Mink, Rabbits and Fox	570	Mink and Pelts
		571	Rabbits
		572	Fox and Pelts
58	Apiary Products	580	Bees
		581	Honey
		582	Bees Wax
59	Fish and Other Aquaculture	590	Fish and Other Aquaculture
60	Big Game Animals (Deer and Elk)	600	Big Game Animals (Deer and Elk)
61	Worms	610	Worms
62	Semen	620	Cattle Semen
		621	Horse Semen

02. County Codes. The table of county codes is as follows. Unless otherwise indicated, counties are in Idaho.

00	All Idaho Counties	21	Franklin	41	Teton
01	Ada	22	Fremont	42	Twin Falls
02	Adams	23	Gem	43	Valley
03	Bannock	24	Gooding	44	Washington
04	Bear Lake	25	Idaho	45	Asotin, Wa.
05	Benewah	26	Jefferson	46	Garfield, Wa.
06	Bingham	27	Jerome	47	Pend Orielle, Wa.
07	Blaine	28	Kootenai	48	Spokane, Wa.
08	Boise	29	Latah	49	Whitman, Wa.
09	Bonner	30	Lemhi	50	Malheur, Or.
10	Bonneville	30	Lemhi	51	Elko, Nv.
11	Boundary	31	Lewis	52	Box Elder, Ut.
12	Butte	32	Lincoln	53	Cache, Ut.
13	Camas	33	Madison	54	Rich, Ut.
14	Canyon	34	Minidoka	55	Lincoln, Wy.
15	Caribou	35	Nez Perce	56	Teton, Wy
16	Cassia	36	Oneida	57	Beaverhead, Mt.
17	Clark	37	Owyhee	58	Lincoln, Mt
18	Clearwater	38	Payette	59	Sanders, Mt.
19	Custer	39	Power	99	Not in Table
20	Elmore	40	Shoshone		

(4-7-11)

03. Unit Codes. The table for codes for units used to indicate the amount of a FP covered is as follows:

A - acres	G - gallons	T - tons
B - bushels	H - head	V - hives
C - hundred weight	L - pounds	W - lugs
E - cases	N - bins	X - boxes
F - flats	S - sacks	Z - stubs

(4-7-11)T

201. REGISTRATION OF BUYERS, COMMISSION MERCHANTS, AND SELLING AGENTS — SUBSCRIPTION TO A PML.

01. Form. Registration of buyers, commission merchants, and selling agents must be on SOS form “UCC-5F.”

(4-7-11)

02. Right to Subscribe - Number. Registration entitles the registrant to subscribe for PMLs. Each registrant will be assigned a permanent registration number by the SOS. (7-1-93)

03. Duration. Registration is effective for a period of one (1) year. Renewal of registration may be filed at any time after ninety (90) days prior to expiration of a current registration period. The registrant must indicate his registration number on the renewal registration form. (7-1-93)

04. Change of Name or Address. Notice of a registrant’s change of name or address must be made in writing to the SOS. (7-1-93)

05. Initial Subscription. Subscriptions for PMLs may be made at the time of registration or at any time during the period for which the registrant is registered, provided that no subscription for a PML will run beyond the calendar quarter in which the registration period expires. Subscriptions made at the time of registration must be made on the UCC-5F. (4-7-11)

06. Other Subscription. Subscriptions made other than at the time of registration must be made on SOS form “UCC-6F.”The registrant must indicate his registration number on the subscription form. (4-7-11)

07. Period of Subscription. A subscription for any PML may be annual or by calendar quarter or quarters, which quarter or quarters may be at a specified time in the future. (7-1-93)

08. Initial Distribution. If a subscription starts at any time other than the start of a calendar quarter, the registrant will receive the most recent complete compilation of the PML, and all distributions of PMLs for the remainder of the calendar quarter. (4-7-11)

09. Special Subscription. If the registrant subscribes for a PML for fewer than all counties or crop years, the registrant must indicate the county codes of the desired counties or the desired crop years, or both. If no county codes or crop years are indicated, the PML will cover all counties and crop years. (4-7-11)

10. Copy of Rules. At the time of registration, each registrant will be provided with a copy of these rules. (4-7-11)

202. — 299. (RESERVED).

300. FORM AND DISTRIBUTION OF A PML AND CS.

01. Content of List. Each PML includes data from all Farm Products Financing Statements which cover a particular PML Grouping. (4-7-11)

02. PML Publication Dates. Each PML is published in complete form on the first regularly scheduled bi-weekly publication date in each calendar quarter. A

PML may at other times be published in complete form at the discretion of the SOS when that appears to be more economical than to publish a CS. (7-1-93)

03. Supplementation. At bi-weekly intervals following the publication of each PML, the SOS publishes a CS for each PML. The CS includes all additions, deletions and changes which have occurred since the publication of the last complete PML. Additions are in the same form and cross-indexed in the same way as items on the PML. Deletions and changes need only refer to the affected item in either the PML or the “addition” section of the CS, and state what action has been taken or what change has been made to that item. (7-1-93)

04. Cut-Off. In order to be included on a PML or CS, a Farm Products Financing Statement must be received by the SOS at least one (1) business day prior to publication. (4-7-11)

05. Schedule. At the beginning of each calendar quarter, the SOS distributes 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 PML and CS will be clearly marked with the actual date of publication. In no case will there be more than eighteen (18) days between publications of PMLs and associated CSs. (4-7-11)

301. GENERATION OF AD HOC INFORMATION REPORTS.

01. Options. Upon the request of any person, the SOS will provide a list organized or limited according to: (7-1-93)

- a. An individual farm product or a PML Grouping; (4-7-11)
- b. Alphabetical order by debtor name; (7-1-93)
- c. By order of UIN; (4-7-11)
- d. County; or (7-1-93)
- e. Crop year. (7-1-93)

02. Internal Organization. When the request is for organization or limitation on the criteria specified in Paragraphs 301.01.a., 301.01.d., and 301.01.e., of these rules, the list will be organized alphabetically within each resulting group unless the request specifies otherwise. (4-7-11)

03. Additional Criteria. The request may specify additional criteria for further organization or limitation within the first grouping. (7-1-93)

302. REQUESTS FOR INFORMATION.

Requests for information on Farm Products Financing Statements will comply with IDAPA 34.05.03, “Rules Governing Requests For Information — Form UCC-4 — Fees.” (4-7-11)

303. FEES.

01. Farm Products Financing Statement. Farm Products Financing Statement and changes thereto (UCC-1F, UCC-2F and UCC-3F). (4-7-11)

a. The fee for filing either a UCC-1F or a UCC-3F is provided in IDAPA 34.05.06, "Administrative Rules Governing Lien Filings Under the UCC - Farm Product Liens," Section 606. (4-7-11)

b. There is no charge for filing a complete termination of a Farm Products Financing Statement. (4-7-11)

02. Registration of Buyers, Commission Merchants, and Selling Agents. (4-7-11)

a. The fee for the annual registration of each buyer, commission merchant, or selling agent is thirty dollars (\$30). (4-7-11)

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

c. There is no fee for filing notice of a registrant's change of name or address. (7-1-93)

03. Subscription to PMLs by Buyers, Commission Merchants, and Selling Agents. (4-7-11)

a. The fee for subscribing for each PML is determined by the size of the PML. For the purpose of computing the fee, each PML Grouping is placed into a fee category based on the highest number of items on the PML during the prior calendar year. In December of each year the SOS will publish an index of the PML Groupings in each fee category to be used for the new year. Those fee categories are as follow:

Category	No. of items on PML
X	More than 7500
A	2501-7500
B	1001-2500
C	101-1000
D	26-100
E	0-25

(4-7-11)

b. The fees for each fee category are as follows:

Configuration of PML	Period	X	A	B	C	D	E
All Counties, Electronic Media	Quarter	\$25	\$23	\$15	\$13	\$13	\$13
	Annual	\$100	\$90	\$60	\$50	\$50	\$50
All Counties, Paper	Quarter	\$330	\$261	\$95	\$45	\$18	\$13
	Annual	\$1,320	\$1,040	\$380	\$180	\$703	\$50

(4-7-11)

c. The subscription fee must be paid at the time the subscription is made.
(4-7-11)

04. Ad Hoc Lists. (7-1-93)

a. The fee for generating an ad hoc list as provided in Section 301 of these rules, is thirty-five dollars (\$35) per hour for programming and analysis and eighty-five dollars (\$85) per hour of computer time required to produce the list. In addition thereto, there is a fee of one dollar (\$1) per printed page of the list so generated. (4-7-11)

b. The fee for the generation of the list must be paid prior to or upon receipt of the list. (7-1-93)

05. Fees for Requests for Information. The fees for requests for information on Farm Products Financing Statements, both written and verbal, and for copies of Farm Products Financing Statements reported on the certificate, are provided in IDAPA 34.05.03, “Rules Governing Requests For Information — Form UCC-4 — Fees.” (4-7-11)

304. — 999. (RESERVED).

**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).

**IDAPA 34
TITLE 05
CHAPTER 03**

34.05.03 - REQUESTS FOR INFORMATION — FORM UCC-4 — FEES

000. LEGAL AUTHORITY AND REFERENCES.

01. Title 28, Chapter 9, Part 4, Idaho Code. (7-1-93)

02. Title 45, Chapters 2 and 3, Idaho Code. (7-1-93)

03. Title 67, Chapter 52, Idaho Code. (7-1-93)

04. IDAPA 34, Title 05, Chapter 01, “Farm Products Central Filing System.” (7-1-93)

05. IDAPA 34, Title 05, Chapter 02, “Liens in Crops, For Seed and Farm Labor.” (7-1-93)

001. — 003. (RESERVED).

004. DEFINITIONS.

01. SOS. Secretary of State. (7-1-93)

02. EFS. An effective financing statement relating to farm products, as described in IDAPA 34.05.01, “Rules Governing Farm Products Central Filing System, Office of the Secretary of State.” (7-1-93)

03. Notice of Lien in Crops. A notice of claim of lien in crops for seed or farm labor, as described in IDAPA 34.05.02, “Rules Governing Liens in Crops, For Seed, and Farm Labor,” Office of the Secretary of State. (7-1-93)

04. Notice of Federal Lien. A notice of lien in personal property filed by the Internal Revenue Service or other federal entity pursuant to Title 45, Chapter 2, Idaho Code. (7-1-93)

05. UCCFS. A financing statement filed pursuant to Sections 28-9-402 and 28-9-403, Idaho Code, other than one relating to farm products. (7-1-93)

06. Notices. A collective term used in this rule to include all of the notices and financing statements described in the foregoing Subsections 004.02 through 004.05, as well as all ancillary documents pertaining thereto.

(7-1-93)

07. Debtor. As used in this rule, “Debtor” shall include a lienee under Title 45, Chapter 2, Idaho Code, and a producer under Title 45, Chapter 3, Idaho Code. (7-1-93)

08. Secured Party. As used in this rule, “Secured Party” shall include the federal government under Title 45, Chapter 2, Idaho Code and a claimant under Title 45, Chapter 3, Idaho Code. (7-1-93)

005. — 010. (RESERVED).

011. REQUESTS FOR INFORMATION.

01. Content. Upon the request of any person, the SOS shall issue a certificate showing all notices of the types included in a request naming a particular debtor. The certificate shall include the date and hour of filing of each notice, and the name and address of each secured party named therein. If the requested notices include EFS’s or notices of liens in crops, the certificate shall further include other information described in IDAPA 34.05.01, Subsection 017.03, “Rules Governing Farm Products Central Filing System,” Office of the Secretary of State, and IDAPA 34.05.02, Subsection 015.04, “Rules Governing Liens in Crops, For Seed and Farm Labor,” Office of the Secretary of State, as applicable. (7-1-93)

02. Form. The SOS shall prescribe an approved form for such requests, designated “UCC-4.” Other forms may be used, provided they contain all the necessary information and provided that the fee for use of a non standard form is paid. After January 31, 1993, only the form UCC-4 with a revision date of 10/92 or later will be held to be a standard form. Prior to that date, previously approved forms UCC-4 and UCC-4F will be held to be standard forms for the purposes for which they were intended; e.g. a form UCC-4F may be used to request information on EFS’s, notices of liens in crops, or both; an old UCC-4 may be used to request information on UCCFS’s, and if noted on the UCC-4, on notices of federal liens. A verbally conveyed request will be treated as a non-standard form request. (7-1-93)

012. VERBAL REQUESTS FOR INFORMATION.

01. SOS Responsibility. Upon the verbal request of any person, the SOS shall provide, within twenty-four (24) hours, a verbal report of the filing of any notices naming a particular debtor. The SOS will include in the report as much of the information described in Section 011, supra., as the requesting party wants. (7-1-93)

02. Time Computation. In computing the twenty-four (24) hour period, weekends and holidays shall not be counted, pursuant to Section 59-1007, Idaho Code. (7-1-93)

03. Attempts to Respond. If the verbal report is to be made telephonically and the requesting party cannot be reached at the stated telephone number within the twenty-four (24) hour period, the SOS shall attempt to reach the requesting party over an additional twenty-four (24) hour period. If at the end of that time the requesting

party has not been reached, the SOS shall be deemed to have fulfilled his obligation to make a timely verbal report. A log of each attempted call shall be maintained by the SOS. At least three (3) attempts to reach the requesting party shall be made in each twenty-four (24) hour period, if the requesting party cannot be reached earlier. (7-1-93)

04. Written Confirmation. The SOS shall follow the verbal report with written confirmation, which shall be in the form of a certificate in response to a non-standard information request as prescribed in Section 011, supra. (7-1-93)

013. FEES.

01. Single Type. The fee for the certificate of the SOS showing all notices of a single type is six dollars (\$6). (7-1-93)

02. Multiple Types. The fee for the certificate of the SOS showing all notices of more than one (1) type is ten dollars (\$10). (7-1-93)

03. Copies. The fee for requesting copies of the notices reported on the certificate is six dollars (\$6). (7-1-93)

04. Non-Standard. The fee for use of a non-standard form or for submission of a form which is not typed is four dollars (\$4). (7-1-93)

05. Verbal Report. The fee for providing a verbal report of notices naming a particular debtor is ten dollars (\$10). (7-1-93)

06. Single Copies. The fee for a copy of any notice, when the requesting party provides the document number to the SOS, is one dollar (\$1) per page. (7-1-93)

07. Service Suspension. Notwithstanding any other provision of this rule, cash payment in advance will be required from a requesting party against whom the SOS holds an account receivable more than sixty (60) days past due or which exceeds one hundred dollars (\$100). (7-1-93)

014. — 999. (RESERVED).

TITLE 45
CHAPTER 18
AGRICULTURAL COMMODITY DEALER LIENS

45-1801. DEFINITIONS. As used in this chapter:

(1) "Agricultural product" means wheat, corn, oats, barley, rye, lentils, soybeans, grain sorghum, dry beans and peas, beans, safflower, sunflower seeds, tame mustards, rapeseed, flaxseed, leguminous seed or other small seed, or any other agricultural commodity, including any of the foregoing, whether cleaned, processed, treated, reconditioned or whether mixed, rolled or combined in any fashion or by any means to create a product used as animal, poultry or fish feed.

(2) "Agricultural commodity dealer" means any person who contracts for or solicits any agricultural product from an agricultural producer or negotiates the consignment or purchase of any agricultural product, or receives for sale, resale or shipment for storage, processing, cleaning or reconditioning, any agricultural product, or who buys during any calendar year, at least ten thousand dollars (\$10,000) worth of agricultural products from the producer or producers of the commodity. Agricultural commodity dealer shall not mean a person who purchases agricultural products for his own use as seed or feed.

(3) "Agricultural commodity producer" means the owner, tenant or operator of land who receives all or part of the proceeds from the sale, under contract, bailment or otherwise, or delivery under contract or bailment, of agricultural products produced on that land.

(4) "Person" means an individual, trust, partnership, limited liability company, corporation, or unincorporated association or any other legal or commercial entity.

45-1802. LIEN CREATED — WHO MAY HAVE. An agricultural commodity producer or an agricultural commodity dealer who sells, or delivers under contract or bailment, an agricultural product has a lien on the agricultural product or the proceeds of the sale of the agricultural product as provided in section 45-1804, Idaho Code. The lien created in this chapter may attach regardless of whether the purchaser uses the agricultural product purchased to increase the value of his livestock or whether he uses the agricultural product purchased to maintain the value, health or status of his livestock without actually increasing the value of his agricultural product.

45-1803. WHEN LIEN ATTACHES. The lien created by section 45-1802, Idaho Code, attaches to the agricultural product and to the proceeds of the subsequent sale of the agricultural product on the date the agricultural product is physically delivered to the purchaser or on the date any final payment is due, and unpaid, to the agricultural commodity producer or agricultural commodity dealer under any contract or bailment, whichever occurs last.

45-1804. DURATION OF LIEN — NOTICE OF LIEN. (1) The lien provided for by section 45-1802, Idaho Code, remains in effect for a period of one hundred eighty (180) days after the date of attachment, except as provided in subsection (2) of this section.

(2) The lien provided for by section 45-1802, Idaho Code, is continued for a period of one (1) year from the date of filing if a written notice of lien, on a form prescribed by the secretary of state, is filed with the secretary of state by the agricultural commodity producer or the agricultural commodity dealer within one hundred eighty (180) days after the date of attachment. The form for the notice of lien shall require the following information:

- (a) A statement of the amount claimed by the agricultural commodity producer or agricultural commodity dealer after deducting all credits and offsets;
- (b) The name, address and signature of the agricultural commodity producer or agricultural commodity dealer claiming the lien;
- (c) The name and address of the person who purchased the agricultural product from the agricultural commodity producer or agricultural commodity dealer;
- (d) A description of the agricultural product charged with the lien including crop year; and
- (e) Such other information as the form prescribed by the secretary of state may require.

(3) The notice of lien shall be entered in a searchable database maintained by the secretary of state.

45-1805. PRIORITY OF LIEN. The lien created by section 45-1802, Idaho Code, is preferred to a lien or security interest in favor of a creditor of the purchaser, regardless of whether the creditor's lien or security interest attaches to the agricultural product or proceeds of the sale of the agricultural product before or after the date on which the lien created by section 45-1802, Idaho Code, attaches.

45-1806. DISCHARGE OF LIEN. The lien created by section 45-1802, Idaho Code, is discharged when the lienholder receives full payment for the agricultural product. If payment is received in the form of a negotiable instrument, full payment is received when the negotiable instrument clears banking channels.

45-1807. FILING NOTICE OF DISCHARGE. (1) If a notice of lien is filed pursuant to section 45-1804, Idaho Code, and the lienholder subsequently receives full payment, the lienholder shall file with the secretary of state a notice of discharge, signed by the lienholder, declaring that full payment has been received and that the lien is discharged.

(2) Upon receiving the notice, the secretary of state shall enter it in a searchable database kept to record such liens.

(3) If a lienholder, after receiving full payment, fails to file a notice of discharge of the lien within thirty (30) days after being requested in writing to do so, he is liable

to the purchaser of the agricultural product for damages in the amount of three hundred dollars (\$300).

45-1808. FORM OF FILING WITH SECRETARY OF STATE — FEES. The secretary of state shall prescribe the form of the filing provided for by sections 45-1804 and 45-1807, Idaho Code. The fee for the filing provided for by section 45-1804, Idaho Code shall be five dollars (\$5.00). The fee for searching the database maintained by the secretary of state pursuant to this chapter shall be five dollars (\$5.00). There shall be no fee for filing a notice of discharge pursuant to section 45-1807, Idaho Code.

45-1809. JOINDER OF ACTIONS — FILING FEES AS COSTS — ATTORNEY'S FEES. Any number of persons claiming liens against the same property under this chapter may join in the same action, and when separate actions are commenced, the court may consolidate them. The court shall also, as part of the cost, allow the moneys paid for filing and recording the claim, and a reasonable attorney's fee for each person claiming a lien.

45-1810. TRANSITION FROM COUNTY FILING TO FILING WITH THE SECRETARY OF STATE. All liens created by this chapter on and after July 1, 2000, shall be filed with the secretary of state. All rights and duties obtained by secured parties pursuant to this chapter before July 1, 2000, shall remain in effect; provided, that liens created by this chapter before July 1, 2000, that are properly filed in the office of the county recorder before that date shall remain in effect and may be extended or renewed in the county beyond July 1, 2000.