

By: Eads

To: Agriculture

HOUSE BILL NO. 1530

1 AN ACT TO AMEND SECTION 85-7-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE A LIEN FOR AGRICULTURAL AVIATORS FOR SERVICES RENDERED;
3 AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 85-7-1, Mississippi Code of 1972, is
6 amended as follows:

7 85-7-1. (1) Every employer shall have a lien on the share
8 or interest of his employee in any crop made under such
9 employment, for all advances of money, and for the fair market
10 value of other things advanced by him, or anyone at his request,
11 for supplies for himself, his family and business during the
12 existence of such employment, which lien the employer may offset,
13 recoup, or otherwise assert and maintain.

14 (2) Every employee, laborer, cropper, part owner, overseer
15 or manager, or other person who may aid by his labor to make,
16 gather, or prepare for sale or market any crop, shall have a lien
17 on the interest of the person who contracts with him for such
18 labor for his wages, share or interest in such crop, whatever may
19 be the kind of wages or the nature of the interest, which lien
20 such employee, laborer, cropper, part owner, overseer or manager,
21 or other person may offset, recoup or otherwise assert and
22 maintain.

23 (3) Except as provided in subsection (4) of this section,
24 any lien arising under the provisions of this section shall be
25 paramount to all liens and encumbrances or rights of any kind
26 created by or against the person so contracting for such

27 assistance, except the lien of the lessor of the land on which the
28 crop is made, for rent and supplies furnished, as provided in the
29 chapter on "Landlord and Tenant," appearing as Chapter 7 of Title
30 89, Mississippi Code of 1972.

31 (4) Any lien arising under the provisions of subsection (2)
32 of this section in favor of any person other than an employee,
33 laborer, cropper, part owner, overseer or manager as to crops or
34 the proceeds thereof shall be effective against a third party only
35 for a period of twenty-one (21) days from and after the time the
36 labor is completed, unless within such period of time notice of
37 the lien is filed in the same manner as notices of security
38 interests in crops growing or to be grown are filed in accordance
39 with the provisions of Section 75-9-401, being a part of the
40 Uniform Commercial Code. Any such lien in favor of any person
41 other than an employee, laborer, cropper, overseer or manager for
42 which notice has not been filed within the twenty-one-day period
43 as herein provided shall, upon a subsequent filing of the notice
44 of such lien, have the priority as against a third party to which
45 a perfected security interest may be entitled under Chapter 9 of
46 Title 75, Mississippi Code of 1972.

47 (5) Every agricultural aviator shall have a lien on the
48 interest and property of the person who contracts with him for
49 agricultural aviation services, which lien such agricultural
50 aviator may offset, recoup or otherwise assert and maintain.

51 SECTION 2. This act shall take effect and be in force from
52 and after July 1, 2000.