HOUSE BILL NO. 968

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

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

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

24 (3) Except as provided in subsection (4) of this section,
25 any lien arising under the provisions of this section shall be
26 paramount to all liens and encumbrances or rights of any kind
27 created by or against the person so contracting for such
28 assistance, except the lien of the lessor of the land on which the
crop is made, for rent and supplies furnished, as provided in the
chapter on "Landlord and Tenant," appearing as Chapter 7 of Title
89, Mississippi Code of 1972.

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

SECTION 2. This act shall take effect and be in force from
and after July 1, 2001.