

## Alabama

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

**TERMS:** Whenever a farmworker has performed services on a crop and has not been paid in full for the work performed, the worker has a legal claim on the crop involved until the farm operator pays the balance of the worker's earnings. The farmworker's claim, or lien, takes priority over all other such claims, except for a lien by the landowner for unpaid rent and advances, and any lien for supplies used to produce the crop.

**ENFORCEMENT:** To enforce an agricultural laborer's lien, the worker must take legal action against the farm operator, through a private attorney or a public legal services program.

## Arizona

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

**TERMS:** A worker who performs labor in connection with the planting of an agricultural crop, and who is not paid in full for such services, is entitled to a share of the value of the crop equal to the amount of the unpaid wages. To enforce this right, or lien, the worker must first file a claim with the county recorder for the county in which the farm is located within 10 days after the work is performed. Within 6 months after the claim is filed, the worker must then file suit against the farm operator or landowner.

**ENFORCEMENT:** As noted, any 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 services program.

## Colorado

### ■ HARVESTERS' LIEN LAW

TERMS: Any person who harvests grain or other crops, by hand or by machine, has a legal right to a portion of the value of the crops involved in the event the farm operator or landowner fails or refuses to pay the laborer's wages.

No later than 10 days after the work is finished, a worker who has not been paid full wages for harvest labor performed for the owner of the crop must notify the owner via certified mail that a claim — known as a "lien" — will be filed 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.

Using a private attorney or public legal service provider, the worker must then file suit in civil court to enforce the claim. The suit must commence within 3 months from the filing of the lien.

ENFORCEMENT: As noted above, these provisions are enforced in the civil courts.

## Idaho

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

TERMS: Any person who cultivates, harvests or performs any similar agricultural labor on a farm has a right to a portion of the income from the sale of the crops involved whenever the farm operator or landowner fails or refuses to pay the worker's wages.

No later than 120 days after the work is finished, a farmworker who has not been paid in full may file a claim, or lien, with the Idaho Secretary of State's office. The notice must specify that the claim is a farm laborer's lien and must include the name and address of the farm operator, the name and address of the worker, the county or counties where the crop was grown, the name of the crop involved, and the amount of the claim.

Using a private attorney or a public legal services program, the worker must then file a civil suit against the farmer or landowner to enforce the lien, which generally is valid for up to 12 months after the claim is filed.

ENFORCEMENT: *Office of the Secretary of State, Boise, Idaho 83720 (208-334-3191).*

## Mississippi

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

**TERMS:** Every farmworker who cultivates or harvests any crop in Mississippi is entitled to all or a part of the value of the crop when it is sold, in the event the farm owner or operator fails to pay the worker's wages in full. The worker may enforce this right, or lien, by making a written statement to a clerk or justice in the county where the farm or crop is located. On receipt of a valid statement, the county official is required to issue a document authorizing the crop to be held and ordering the farm owner or operator to appear in court to answer the complaint.

**ENFORCEMENT:** As noted above, crop liens are enforceable only through the civil courts. A worker who wishes to make such a claim should consult with a private attorney or a public legal services program.

## Montana

### ■ FARM LABORERS' LIEN LAW

**TERMS:** A worker who has performed agricultural services for the owner or operator of a farm, and who completes the job but does not receive full pay for the work, is entitled to part of the money received from the sale of the farmer's crops (up to a limit of \$1,000) to recover the unpaid wages.

To enforce this right, or lien, the worker must file a claim with the Secretary of State, within 30 days after the job ends. Among other information, the claim must include the names and addresses of both the worker and the farm operator, note that the claim is a farm laborer's lien, describe the crop services the worker performed and dates of employment, identify the county where the crops are located, and state the amount of the wages agreed on and the amount of the unpaid wages.

Within 90 days after filing the claim, the worker must present the claim in civil court, using a private attorney or public legal services program. 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.

**ENFORCEMENT:** *UCC Division, Montana Secretary of State, Helena, Montana 59620 (406-444-2468)*. As indicated above, the farm laborers' lien is enforceable only through the civil courts. The lien applies only to wages earned in the 60-day period immediately before filing the claim, so the lien should be filed as soon as possible after wages become due and unpaid.

## South Carolina

### ■ AGRICULTURAL LIEN LAWS

**TERMS:** Farmworkers who perform services on any crop but are not paid for their labor are legally entitled to a portion of the value of the crop when it is sold, to satisfy the amount due. The worker's claim, or lien, on part of the farm operator's crop for unpaid wages is second in priority only to a claim against the farm operator by the landowner for unpaid rent (if any).

**ENFORCEMENT:** These provisions may be enforced only through the courts. Any worker who has not received full pay for his or her labor on a crop may enforce the agricultural laborers' lien in civil court, using a private attorney or a public legal services program.

## Tennessee

### ■ CROP LIEN LAWS

**TERMS:** Any worker who cultivates the soil or performs services on a crop under a verbal or written agreement with a farm operator, and who does not receive the full amount of pay agreed on, is entitled to a portion of the value of the crop when it is sold, as payment for the work performed.

To enforce this right, or lien, the worker must file a sworn statement of the claim before the appropriate court. The worker's lien on part of the farm operator's crop for unpaid wages is second in priority only to a claim against the farm operator by the landowner for any unpaid rent or supplies.

**ENFORCEMENT:** These provisions may be enforced only through the courts. A farmworker who does not receive all wages earned in the production of a crop should consult a private attorney or public legal services program about action on the lien.



## Texas

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

**TERMS:** A farmworker who does not receive payment in full for services performed on a crop has a legal right to a portion of the crop and other property belonging to the farmer, equal to the amount of the unpaid wages.

To enforce this right, or lien, the worker must present a written statement of the claim to the employer and file the claim with the county clerk in the county where the work was performed, both within 30 days after the wages were due. No later than 6 months after filing the claim, the worker must file suit in court to foreclose the lien.

**ENFORCEMENT:** As noted above, enforcement of a worker's lien requires court action. Farmworkers who wish to use this method to collect unpaid wages should consult a private attorney or public legal services program.