

LEGISLATIVE BILL 177

Approved by the Governor March 31, 2021

Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to liens; to amend section 52-1202, Reissue Revised Statutes of Nebraska, and section 52-1103, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to filing and perfection of liens; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 52-1103, Revised Statutes Cumulative Supplement, 2020, is amended to read:

52-1103 In order to be valid against subsequent lienholders, any lien created under section 52-1101 shall be filed within one hundred twenty six days after the last date upon which the product, machinery, or equipment was furnished or work or labor was performed under the contract, but in no event shall it have priority over prior lienholders unless prior lienholders have agreed to the contract in writing. Such lien shall attach as of the date of filing. Such lien shall be treated in all respects as an agricultural lien as provided in article 9, Uniform Commercial Code, and may be enforced in the manner and form provided for the enforcement of secured transactions as provided in article 9, Uniform Commercial Code. Effective January 1, 2015, this section applies to a lien created under section 52-1101 regardless of when the lien was created.

Sec. 2. Section 52-1202, Reissue Revised Statutes of Nebraska, is amended to read:

52-1202 (1) A lien created under section 52-1201 shall be perfected as provided in article 9, Uniform Commercial Code. Such lien shall be perfected within one hundred twenty six days after the last date on which (a) the seed was furnished or (b) the meter was read with respect to the electrical power or energy furnished.

(2) Any financing statement filed to perfect a lien created under section 52-1201 shall contain or have attached thereto (a) the name and address and the social security number or federal tax identification number of the person claiming the lien, (b) the name and address and the social security number or federal tax identification number, if known, of the person to whom the seed or electrical power or energy was furnished, (c) the contract price or reasonable value of the seed or electrical power or energy, and (d)(i) the type and amount of the seed and the date of delivery of the seed or (ii) the type and amount of the electrical power or energy and the period during which such power or energy was furnished. The failure to include the social security number or federal tax identification number shall not render any filing unperfected. At the time the lien is filed, the lienholder shall send a copy to the person to whom the seed or electrical power or energy was furnished. The fee for filing, amending, or releasing the lien shall be as provided in section 9-525, Uniform Commercial Code.

Sec. 3. Original section 52-1202, Reissue Revised Statutes of Nebraska, and section 52-1103, Revised Statutes Cumulative Supplement, 2020, are repealed.