CHAPTER 336A

FARM PRODUCT LIENS AND FINANCING STATEMENTS

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336A.01 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to this chapter.

Subd. 2. **Business day.** "Business day" means a weekday on which government offices are open for business. Business day does not include state or federal holidays, Saturdays, or Sundays.

Subd. 3. **Buyer in the ordinary course of business.** "Buyer in the ordinary course of business" means a person who, in the ordinary course of business, buys farm products from a person engaged in farming operations who is in the business of selling farm products.

Subd. 4. **Commission merchant.** "Commission merchant" means a person engaged in the business of receiving a farm product for sale on commission or for or on behalf of another person.

Subd. 5. **Computerized filing system.** "Computerized filing system" means the system created by the secretary of state for filing and giving notice of effective financing statements and farm products statutory liens.

Subd. 6. **Crop year.** "Crop year" means:

(1) for a crop, the calendar year in which it is harvested or to be harvested;

(2) for animals, the calendar year in which they are born or acquired; and

(3) for poultry or eggs, the calendar year in which they are sold or to be sold.

Subd. 7. **Debtor.** "Debtor" means an individual or other legal entity that has borrowed money from or is otherwise indebted to a lienholder or secured party and whose farm products are subject to a farm products statutory lien created by operation of law or a security interest, to secure payment of the obligation.

Subd. 8. **Effective financing statement.** "Effective financing statement" means a statement that meets the requirements of section 336A.03.

Subd. 9. **Farm product.** "Farm product" means an agricultural commodity, a species of livestock used or produced in farming operations, or a product of a crop or the livestock in its unmanufactured state, that is in the possession of a person engaged in farming operations.

Subd. 10. **Farm product dealer.** "Farm product dealer" means a buyer in the ordinary course of business, a commission merchant, or a selling agent.

Subd. 11. **Farm products statutory lien.** "Farm products statutory lien" means a lien on farm products which is given by statute or other rule of law for services or materials and includes an agricultural lien as defined in sections 336.9-102(a)(5); 514.963, subdivision 3; and 514.965, subdivision 2; and an agricultural producer's lien as provided in section 514.945.

Subd. 12. **Filing office.** "Filing office" means the Office of the Secretary of State.

Subd. 13. **Filing officer.** "Filing officer" means the secretary of state or an agent of the secretary of state authorized to accept filings.

Subd. 14. **Lienholder.** "Lienholder" means an individual or other legal entity who has the right to collect money from a debtor and who has a farm products statutory lien.

Subd. 15. **Lien notice.** "Lien notice" means a statement that meets the requirements of section 336A.03.

Subd. 16. **Monthly list.** "Monthly list" means information about debtors, secured parties, lienholders, and farm products that is produced by the secretary of state and distributed once a month.

[See Note.]

Subd. 17. **Person.** "Person" means an individual, partnership, corporation, trust, or other business entity.

Subd. 18. **Secured party.** "Secured party" means an individual or other legal entity that has received a security interest in farm products to secure repayment of the obligation owed to it.

Subd. 19. **Security interest.** "Security interest" means an interest in farm products that secures payment or performance of an obligation.

Subd. 20. **Selling agent.** "Selling agent" means a person, other than a commission merchant, who is engaged in the business of negotiating the sale and purchase of a farm product on behalf of a person engaged in farming operations.

History: *1992 c 525 s 2; 2001 c 195 art 2 s 21; 2004 c 191 s 1; 2014 c 283 s 4*

NOTE: The amendment to subdivision 16 by Laws 2014, chapter 283, section 4, is effective upon certification by the secretary of state that the United States Department of Agriculture, Grain Inspectors, Packers and Stockyards Administration has approved the Minnesota central notification system 2014 proposal. The secretary of state shall notify the revisor of statutes when federal certification is obtained. Laws 2014, chapter 283, section 4, the effective date.

336A.02 SPECIFICATION OF FARM PRODUCTS.

Subdivision 1. **List of products.** The computerized filing system must provide information about the following farm products:

(1) wheat/durum;

(2) alfalfa;

(3) barley;

(4) oats;

(5) rye;

(6) sorghum;

(7) hay;

(8) flax;

(9) sunflowers;

(10) field corn;

(11) silage;

(12) canola;

(13) soybeans;

(14) dry edible beans;

(15) green beans;

(16) snap beans;

(17) green lima beans;

(18) sweet corn;

(19) green peas;

(20) potatoes;

(21) carrots;

(22) onions;

(23) cucumbers;

(24) sugar beets;

(25) wool;

(26) milk;

(27) eggs;

(28) cheese;

(29) apples;

(30) honey/bees wax;

(31) cattle/calves;

(32) hogs/pigs;

(33) sheep/lambs;

(34) horses;

(35) goats;

(36) chickens;

(37) broilers;

(38) turkeys;

(39) mink;

(40) fish;

(41) wild rice; and

(42) bison.

Subd. 2. **Crops grown for seed.** Information about the crops listed in subdivision 1 includes information on crops grown for seed.

History: *1992 c 525 s 3; 2004 c 191 s 2*

336A.03 CONTENTS OF FINANCING STATEMENT OR LIEN NOTICE.

Subdivision 1. **Substantial compliance.** An effective financing statement or lien notice must substantially comply with this section but may contain minor errors that are not seriously misleading.

Subd. 1a. **Form.** (a) An effective financing statement is an original or reproduced copy of the statement or an electronically reproduced copy of the statement.

(b) A lien notice is an original or reproduced copy of the notice or an electronically reproduced copy of the notice.

Subd. 2. **Contents.** (a) An effective financing statement or lien notice must contain:

(1) a description of the farm products subject to the security interest or farm products statutory lien, including the amount of the farm products, if applicable, and the name of the county where the farm products are produced or located;

(2) the name and address of the secured party or the lienholder;

(3) the name and address of the debtor;

(4) in the case of an effective financing statement, the Social Security number of the debtor, or, if the debtor is doing business other than as an individual, the United States Internal Revenue Service taxpayer identification number of the debtor; and

(5) in the case of a lien notice, any payment obligations imposed on the buyer, commission merchant, or selling agent as a condition for waiver or release of the farm products statutory lien.

(b) An effective financing statement or lien notice for one or more debtors may cover more than one farm product located in more than one county.

(c) The effective financing statement and lien notice may not be combined with a Uniform Commercial Code financing statement form or format and must be filed on the form or in the format designated by the secretary of state as an effective financing statement/lien notice.

(d) An effective financing statement or the record authorizing the filing of an effective financing statement must contain the following statement, all in capital letters:

"THE INFORMATION CONTAINED IN AN EFFECTIVE FINANCING STATEMENT WILL BE SENT TO FARM PRODUCT BUYERS REGISTERED IN MINNESOTA. SALE OF FARM PRODUCTS TO THOSE BUYERS MAY RESULT IN A CHECK BEING ISSUED PAYABLE JOINTLY TO BOTH THE SELLER AND THE SECURED PARTY."

(e) A description of the farm products must include a product code provided by the secretary of state and if applicable, the amount of the farm product in those situations where this information is needed to distinguish that part of the farm product subject to the security interest or farm products statutory lien from that part which is not. The amount may be described by the number of acres, the number of bushels, the number of head, or any other accepted method of counting the specific farm product. A dollar amount may not be used as this description.

(f) The name of the county where the farm products are produced or located must be designated by using the two-digit county code provided by the secretary of state.

(g) The party completing the effective financing statement or lien notice is responsible for choosing and listing the farm product and county codes on the document from the lists provided by the secretary of state. The filing officer shall reject those documents that do not have farm product and county codes.

(h) The name of the secured party or lienholder must be the full legal name of that person or other legal entity. Business names must be presented as they have been registered and only those abbreviations appearing in the name as registered are acceptable. If the secured party or lienholder is an individual, the person's full first name, middle initial, if any, and full last name are the person's full legal name. Nicknames or abbreviations of individual names, except a middle initial, are not acceptable. The single address must be a mailing address and include a city, state, and zip code.

(i) The name of the debtor must be the full legal name of the individual or other legal entity. Business names must be presented as they have been registered and only those abbreviations appearing in the name as registered are acceptable. If the debtor is an individual, the person's full first name, middle initial, if any, and full last name are the person's full legal name. Nicknames or abbreviations of individual names, except a middle initial, are not acceptable. The single address must be a mailing address and include a city, state, and a zip code.

Subd. 3. **Signatures.** A lien notice must be signed, authorized, or otherwise authenticated by the lienholder. An effective financing statement must be signed, authorized, or otherwise authenticated by:

(1) the secured party; and

(2) the debtor, except that an effective financing statement filed online need not be signed by the debtor if the secured party obtains the debtor's signature on a paper effective financing statement for this lien.

Subd. 4. **Required amendments.** An effective financing statement or lien notice must be amended in writing within three months after material changes occur to reflect the material changes. To amend information contained on an effective financing statement or lien notice, the existing effective financing statement or lien notice must be terminated and a new effective financing statement or lien notice filed. The amendment to an effective financing statement or a lien statement must be signed, authorized, or otherwise authenticated, and filed in the same manner required for the original document.

Subd. 5. **Effective period.** (a) An effective financing statement is effective for five years from the date of filing. The effective period may be extended for additional periods of five years as provided in section 336A.06.

(b) An effective financing statement is not effective after:

(1) the effective financing statement lapses on the expiration of the effective period; or

(2) a notice that the effective financing statement is terminated is signed, authorized, or otherwise authenticated by the secured party and filed in the filing office.

(c) A lien notice is not effective after:

(1) five years from the date of filing;

(2) expiration of the period for commencing an action to enforce the lien under applicable Minnesota law; or

(3) the obligation secured by the farm products statutory lien no longer exists.

History: *1992 c 525 s 4; 2004 c 191 s 3; 2009 c 98 s 27*

336A.031 [Repealed, 2014 c 283 s 8]

336A.04 FILING EFFECTIVE FINANCING STATEMENT OR LIEN NOTICE.

Subdivision 1. **Filing location.** An effective financing statement or lien notice must be filed in the computerized filing system operated by the Office of the Secretary of State. Effective financing statements and lien notices may be filed in writing or by any other means authorized from a filing officer.

Subd. 2. **Effective filing.** Presentation of an effective financing statement or lien notice with the appropriate filing fee to a filing officer or acceptance of the statement by a filing officer constitutes filing under this chapter.

Subd. 3. **Fees.** The fee for filing and indexing a standard form or format for a lien notice, effective financing statement, or continuation statement, and stamping the date and place of filing on a copy of the filed document furnished by the filing party is as follows:

(1) $20 for each effective financing statement and $15 for each lien notice or other filing made through the web interface of the Office of the Secretary of State;

(2) $25 for each effective financing statement and $20 for each lien notice or other filing submitted in any other manner; and

(3) no fee will be charged for filing a termination statement.

Filing fees collected by a satellite office must be deposited in the general fund of the county in which the satellite office is located.

Subd. 3a. **Standard forms.** The standard form for a lien notice, effective financing statement, continuation statement, or termination statement is available from the filing office.

Subd. 4. **Filing procedure.** (a) For each effective financing statement, lien notice, continuation statement, or termination statement filed in a filing office, the filing office shall:

(1) assign a unique number to the filed record;

(2) create a record that bears the number assigned to the filed record and the date and time of filing;

(3) maintain the filed record for public inspection; and

(4) index the filed record in accordance with paragraph (b).

(b) The filing office shall index an effective financing statement or lien notice according to the name of the debtor and index all filed records relating to the initial filing in a manner that associates the related filings with the initial effective financing statement or lien notice.

(c) The filing office shall maintain a capability:

(1) to retrieve a record by the name of the debtor and by the file number assigned to the initial effective financing statement or lien notice to which the record relates; and

(2) to associate and retrieve with one another an initial effective financing statement or lien notice and each filed record relating to the initial effective financing statement or lien notice as the case may be.

(d) The filing office may not remove a debtor's name from the index until one year after the effectiveness of an effective financing statement or lien notice naming the debtor lapses under section 336A.03, subdivision 5, paragraph (b), clause (1), or paragraph (c), clause (1).

(e) The filing office shall maintain a record of the information provided in a filed effective financing statement or lien notice for at least one year after the effectiveness of the financing statement or lien notice has lapsed under section 336A.03, subdivision 5, paragraph (b), clause (1), or paragraph (c), clause (1). The record must be retrievable by using the name of the debtor and by using the file number assigned to the initial effective financing statement or lien notice to which the record relates.

(f) Except to the extent that a statute governing disposition of public records provides otherwise, the filing office immediately may destroy any written record evidencing an effective financing statement or lien notice. However, if the filing office destroys a written record, it shall maintain another record of the effective financing statement or lien notice which complies with paragraph (e).

Subd. 5. **Entering filing information into computerized filing system.** Each filing office shall enter the information from the filed documents into the computerized filing system as prescribed by the secretary of state.

The secretary of state shall record lien notices in the computerized filing system in a manner that separately identifies all farm products statutory liens, and shall ensure that the computerized filing and notification system distinguishes security interests covered by effective financing statements from liens covered by lien notices to the extent required by United States Code, title 7, section 1631, et seq., and regulations adopted under those sections.

Subd. 6. **Verification of information.** A person who has filed an effective financing statement or lien notice may verify the accuracy of the information entered into the computerized filing system and compiled into the master list by making an inquiry under section 336A.09.

History: *1992 c 525 s 5; 1993 c 369 s 124; 1994 c 438 s 14; 1997 c 137 s 17; 2004 c 191 s 5; 2009 c 101 art 2 s 86*

336A.05 EFFECT OF FILING ON PERFECTION AND PRIORITY.

Filing under this chapter does not affect the perfection of security interests filed under the Uniform Commercial Code or a farm products statutory lien filed in accordance with the provisions of law under which it was created and does not affect the priority of a security interest in farm products or a farm products statutory lien except as provided in section 336A.15 or 336A.16 and United States Code, title 7, section 1631.

History: *1992 c 525 s 6; 2004 c 191 s 6*

336A.06 CONTINUATION STATEMENT.

Subdivision 1. **Filing period.** A secured party may file a continuation statement for an effective financing statement within six months before a five-year effective period expires.

Subd. 2. **Contents.** A continuation statement must:

(1) be signed, authorized, or otherwise authenticated by the secured party and the debtor;

(2) identify the original effective financing statement by file number; and

(3) state that the original effective financing statement is still effective.

Subd. 3. **Effective period.** If a continuation statement is filed within six months before a five-year effective period expires, the effectiveness of the original effective financing statement continues for an additional five years after the original five-year effective period. Additional continuation statements filed within six months before an effective period expires continue the effectiveness of the original effective financing statement for additional five-year periods.

Subd. 4. **Filing.** The continuation statement must be filed in the computerized filing system of the Office of the Secretary of State.

History: *1992 c 525 s 7; 2004 c 191 s 7*

336A.07 TERMINATION STATEMENTS.

Subdivision 1. **Requirement.** (a) A secured party shall within 30 days file a lien termination statement and termination statement for the effective financing statement when:

(1) an outstanding secured obligation does not exist; and

(2) a written commitment to make advances, incur obligations, or otherwise give value does not exist.

(b) A lienholder shall file a termination statement with respect to a lien notice within 30 days after an outstanding lien notice obligation no longer exists.

Subd. 2. **Contents.** (a) Unless filed pursuant to section 336A.03, subdivision 4, in order to amend an effective financing statement or a lien notice, a termination statement for a lien notice or an effective financing statement must:

(1) state the file number of the effective financing statement or lien notice;

(2) state the date on which the lien or security interest was satisfied;

(3) state that the secured party does not claim a security interest under the effective financing statement or that the lienholder does not claim a lien under the lien notice; and

(4) be signed, authorized, or otherwise authenticated by the secured party or lienholder.

(b) If a termination statement is filed pursuant to section 336A.03, subdivision 4, in order to amend an effective financing statement or a lien notice, the termination statement must:

(1) state the file number of the effective financing statement or lien notice; and

(2) be signed, authorized, or otherwise authenticated by the secured party or lienholder.

Subd. 3. **Filing.** A termination statement for an effective financing statement or a lien notice must be filed in the computerized filing system operated by the Office of the Secretary of the State.

Subd. 4. **Failure to file.** If the secured party or lienholder fails to file a termination statement as required by subdivision 1, or within ten days after a debtor serves a written demand for the termination statement if the conditions in subdivision 1 exist, the secured party or lienholder is liable to the debtor for $100 plus any loss caused to the debtor by failing to file the termination statement. For the second and each subsequent time a secured party or lienholder is found liable to a debtor under this subdivision in any one calendar year, the secured party or lienholder is liable to the debtor for $250 plus any loss caused to the debtor.

Subd. 5. [Repealed by amendment, 2004 c 191 s 8]

History: *1992 c 525 s 8; 2004 c 191 s 8*

336A.08 MASTER LIST.

Subdivision 1. **Compilation.** (a) The secretary of state shall compile the information on effective financing statements in the computerized filing system into a master list:

(1) organized according to farm product;

(2) arranged within each product:

(i) in alphabetical order according to the last name of the individual debtor or, in the case of debtors doing business other than as individuals, the first word in the name of the debtors;

(ii) in numerical order according to the unique identifier assigned by the secretary of state to, and associated with, the Social Security number or tax identification number of the debtor;

(iii) geographically by county; and

(iv) by crop year;

(3) containing the information provided on an effective financing statement; and

(4) designating any applicable terminations of the effective financing statement.

(b) The secretary of state shall compile information from lien notices recorded in the computerized filing system into a statutory lien master list in alphabetical order according to the last name of the individual debtor or, in the case of debtors doing business other than as individuals, the first word in the name of the debtors. The secretary of state may also organize the statutory lien master list according to one or more of the categories of information established in paragraph (a). Any terminations of lien notices must be noted.

Subd. 2. **Removal of effective financing statements and lien notices.** The secretary of state shall remove lapsed effective financing statements and lien notices from the computerized filing system before preparing master lists.

Subd. 3. [Repealed, 2014 c 283 s 8]

Subd. 3a. **All crops or all livestock defined.** A registered buyer who requests a monthly list may ask for a list of all crops including wool, milk, eggs, cheese, and honey/bees wax, all livestock including wool, milk, eggs, cheese, and honey/bees wax, or both. The list given to the buyer must then include information about all the crops or all the livestock listed in subdivision 1, or both.

Subd. 4. **Distribution of lists.** (a) The secretary of state shall maintain and distribute the information on the effective financing statement master list to allow the buyer to sort:

(1) by farm product arranged alphabetically by debtor;

(2) by farm product arranged numerically by the unique identifier assigned by the secretary of state to, and associated with, the Social Security number or tax identification number of the debtor; and

(3) by county arranged alphabetically by debtor.

(b) Information in the farm products statutory lien master list must be included in the effective financing statement master list, subject to the sort options in paragraph (a), clauses (1) and (3).

(c) The secretary of state shall distribute or make available the requested lists on a monthly basis to farm product dealers registered under section 336A.11. Lists will be distributed or made available on or before the tenth day of each month or on the next business day thereafter if the tenth day is not a business day.

(d) The secretary of state shall make the lists available as written or printed paper documents and in an electronically transmitted medium.

(e) There shall be no fee for lists distributed via an electronically transmitted medium. The annual fee for paper partial lists is $250 and $400 for paper master lists.

(f) A farm products dealer shall register pursuant to section 336A.11 to receive the monthly lists requested by the farm products dealer starting with the lists created in the month following the month in which registration takes place.

(g) If a registered farm products dealer receives a monthly list that cannot be read or is incomplete, the farm products dealer must immediately inform the secretary of state by telephone or email of the problem. The registered farm products dealer shall confirm the existence of the problem by writing to the secretary of state. The secretary of state shall provide the registered farm products dealer with new monthly lists in the medium chosen by the registered farm products dealer no later than five business days after receipt of the oral notice from the registered farm products dealer. A registered farm products dealer is not considered to have received notice of the information on the monthly lists until the duplicate list is received from the secretary of state or until five days have passed since the duplicate lists were deposited in the mail or delivered electronically by the secretary of state, whichever comes first.

(h) On receipt of a written notice pursuant to section 336A.13, the secretary of state shall duplicate the monthly lists requested by the registered farm products dealer. The duplicate monthly lists must be deposited in the mail or delivered electronically to the registered farm products dealer no later than five business days after receipt of the written notice from the registered farm products dealer.

(i) A registered farm products dealer may request monthly lists in one medium per registration.

(j) Registered farm products dealers must renew their registration on or before the 12-month anniversary of their registration or subsequent 12-month anniversaries. Failure to renew will result in the farm products dealer not receiving the monthly lists.

(k) Registered farm products dealers will receive all of the information for the monthly lists. New registrants shall receive monthly lists starting with the list created in the month following registration.

[See Note.]

History: *1992 c 525 s 9; 2004 c 191 s 9; 2010 c 333 art 1 s 23,24; 2014 c 283 s 5*

NOTE: The amendment to subdivision 4 by Laws 2014, chapter 283, section 5, is effective upon certification by the secretary of state that the United States Department of Agriculture, Grain Inspectors, Packers and Stockyards Administration has approved the Minnesota central notification system 2014 proposal. The secretary of state shall notify the revisor of statutes when federal certification is obtained. Laws 2014, chapter 283, section 5, the effective date.

336A.09 INQUIRIES.

Subdivision 1. **Procedure.** (a) Online and written inquiries regarding information provided by the filing of effective financing statements or lien notices may be submitted to the secretary of state during regular business hours or, if submitted online, at any time.

(b) The secretary of state must, upon receiving an inquiry, provide a prompt response to the inquiry.

(c) The secretary of state shall maintain a record of inquiries made under this section including:

(1) the date of the inquiry;

(2) the name of the debtor inquired about; and

(3) identification of the person making the request for inquiry.

Subd. 2. **Searches; fees.** (a) If a person makes a request, the filing officer shall conduct a search of the computerized filing system for effective financing statements or lien notices and statements of continuation of a particular debtor. The filing officer shall produce a report including the date, time, and results of the search by issuing:

(1) a listing of the file number, date, and hour of each effective financing statement found in the search and the names and addresses of each secured party on the effective financing statements or of each lien notice found in the search and the names and address of each lienholder on the lien notice; or

(2) upon request, both the report and photocopies of the effective financing statements or lien notices.

(b) The uniform fee for conducting a search and for preparing a report is $20 per debtor name. A fee as set by section 5.12 will be charged for photocopies of effective financing statements, lien notices, continuation statements, or termination statements.

(c) Search fees collected by a satellite office must be deposited in the general fund of the county where the satellite office is located.

History: *1992 c 525 s 10; 1993 c 369 s 125; 1994 c 438 s 15; 2004 c 191 s 10; 2009 c 98 s 28; 2009 c 101 art 2 s 87; 2015 c 77 art 2 s 70*

336A.10 IMMUNITY.

(a) Except as provided in sections 609.87 to 609.891, the state, the secretary of state, counties, county recorders, and their employees and agents are immune from liability as a result of errors or omissions in information supplied under this chapter.

(b) The secretary of state, county recorders, and their employees and agents are not liable for any loss or damages arising from errors in or omissions from information entered into the computerized filing system as a result of the electronic transmission of effective financing statements and lien notices.

History: *1992 c 525 s 11; 2004 c 191 s 11*

336A.11 REGISTRATION OF FARM PRODUCT DEALERS.

Subdivision 1. **Requirements.** Farm product dealers may register with the secretary of state to receive master lists of notices of security interests in farm products or farm products statutory liens. Registration must be made for a 12-month period. A registration is not complete until the online registration process is properly completed and accompanied by the registration fee.

Subd. 2. **Registration forms or format.** The secretary of state shall make registration forms or format available to farm product dealers. The registration form or format must include provisions for the name and address of the farm product dealer, including the email address for list delivery, and a request for the list.

Subd. 3. **Registration fee.** The annual registration fee for farm product dealers is $25.

Subd. 4. **Record of registered farm product dealers.** The secretary of state shall maintain a record of the registered farm product dealers and contents of the lists received by the registered farm product dealers for a period of five years after the lists are distributed.

History: *1992 c 525 s 12; 1995 c 128 art 3 s 26; 2004 c 191 s 12,13; 2014 c 283 s 6*

NOTE: The amendment to this section by Laws 2014, chapter 283, section 6, is effective upon certification by the secretary of state that the United States Department of Agriculture, Grain Inspectors, Packers and Stockyards Administration has approved the Minnesota central notification system 2014 proposal. The secretary of state shall notify the revisor of statutes when federal certification is obtained. Laws 2014, chapter 283, section 6, the effective date.

336A.12 RULES.

Subdivision 1. **Authority.** (a) The secretary of state may adopt permanent rules to implement this chapter.

(b) If necessary to obtain federal certification of the computerized filing system, additional or alternative requirements made in conformity with United States Code, title 7, section 1631, may be adopted by the secretary of state by rule.

Subd. 2. **Forms or format.** The secretary of state shall prescribe the forms or format to be used for effective financing statements, lien notices, combined forms, amendments, continuation statements, termination statements, and notices to debtors.

History: *1992 c 525 s 13; 2004 c 191 s 14*

336A.13 RECEIPT OF WRITTEN NOTICE.

For purposes of United States Code, title 7, section 1631, and this chapter, receipt of written notice means the date the notice is actually received by a farm product dealer or the first date that delivery is attempted by a carrier. For a mailed notice, a farm product dealer is presumed to have received the notice by five business days after it was mailed unless by ten days after it was mailed the farm product dealer notifies the secretary of state in writing that it has not received the notice by that time. For a notice provided by electronic transmission or posting, a farm product dealer is presumed to have received the notice five business days after the list required to be distributed or made available by section 336A.08, subdivision 4, is posted on an electronic network or site accessible via the Internet, mobile application, computer, mobile device, tablet, or other electronic device, together with a separate notice of posting, which is provided by the secretary of state by electronic mail to the address at which the farm product dealer has consented to receive notice of posting.

History: *1992 c 525 s 14; 2004 c 191 s 15; 2014 c 283 s 7*

NOTE: The amendment to this section by Laws 2014, chapter 283, section 7, is effective upon certification by the secretary of state that the United States Department of Agriculture, Grain Inspectors, Packers and Stockyards Administration has approved the Minnesota central notification system 2014 proposal. The secretary of state shall notify the revisor of statutes when federal certification is obtained. Laws 2014, chapter 283, section 7, the effective date.

336A.14 RESTRICTED USE OF INFORMATION.

A Social Security number maintained by the secretary of state under this section is private data on individuals or nonpublic data, as defined in section 13.02. Information obtained from the seller of a farm product relative to the Social Security number or tax identification number of the true owner of the farm product and all information obtained from the master or limited list may not be used for purposes that are not related to: (1) purchase of a farm product; (2) taking a security interest against a farm product; or (3) perfecting a farm product statutory lien.

History: *1992 c 525 s 15; 2010 c 333 art 1 s 25; 2013 c 110 s 11*

336A.15 BUYERS TAKING FREE OF AND SUBJECT TO FARM PRODUCTS STATUTORY LIENS.

Subdivision 1. **Taking free of lien.** Except as provided in subdivision 2, and notwithstanding other law or rule to the contrary, a buyer in the ordinary course of business who buys farm products from a seller engaged in farming operations takes free of a farm products statutory lien applicable to the purchased farm products even though the farm products statutory lien is perfected and the buyer knows the lien exists.

Subd. 2. **Taking subject to lien.** A buyer in the ordinary course of business of farm products takes subject to a farm products statutory lien applicable to the purchased farm products if the lienholder has perfected the farm products statutory lien and:

(1) the buyer has failed to register with the secretary of state as provided in section 336A.11; or

(2) the buyer has registered with the secretary of state as provided in section 336A.11, the buyer receives a notice from the secretary of state specifying that the seller and the farm products being sold are subject to

a lien notice, and the buyer fails to secure a waiver or release of the farm products statutory lien specified in the lien notice by making a payment, satisfying an obligation, or otherwise.

History: *1992 c 525 s 16*

336A.16 COMMISSION MERCHANTS AND SELLING AGENTS SUBJECT TO FARM PRODUCTS STATUTORY LIEN.

Subdivision 1. **Selling not subject to lien.** Except as provided in subdivision 2, and notwithstanding other law or rule to the contrary, a commission merchant or selling agent who sells farm products for others is not subject to a farm products statutory lien even though the farm products statutory lien is perfected and the commission merchant or selling agent knows the lien exists.

Subd. 2. **Selling subject to lien.** A commission merchant or selling agent selling farm products for another person is subject to a farm product statutory lien applicable to the purchased farm products if the lienholder has perfected the farm products statutory lien and:

(1) the commission merchant or selling agent has failed to register with the secretary of state as provided in section 336A.11; or

(2) the commission merchant or selling agent has registered with the secretary of state as provided in section 336A.11, the commission merchant or selling agent receives a notice from the secretary of state specifying that the seller and the farm products being sold are subject to a lien notice, and the commission merchant or selling agent fails to secure a waiver or release of the farm products statutory lien specified in the lien notice by making a payment, satisfying an obligation, or otherwise.

History: *1992 c 525 s 17*