

By: Burrows

H.B. No. 1848

A BILL TO BE ENTITLED

AN ACT

relating to the perfection and priority of an agricultural lien on an agricultural crop.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 70, Property Code, is amended by adding Section 70.4045 to read as follows:

Sec. 70.4045. PERFECTION AND PRIORITY OF AGRICULTURAL LIEN ON AN AGRICULTURAL CROP. (a) Notwithstanding Chapter 9, Business & Commerce Code, an agricultural lien on an agricultural crop created under this subchapter is perfected at the time the lien attaches under Section 70.403 and continues to be perfected if a financing statement covering the agricultural crop is filed on or before the 90th day after the date the lien attaches under that section.

(b) If a financing statement covering the agricultural crop is not filed on or before the 90th day after the date the lien attaches under Section 70.403, the lien is considered unperfected on the date the lien attached until the date the financing statement is filed or the lien is perfected under Chapter 9, Business & Commerce Code.

(c) Notwithstanding Chapter 9, Business & Commerce Code, an agricultural lien on an agricultural crop created and perfected under this subchapter has priority over a conflicting security interest in an agricultural lien on the agricultural crop.

SECTION 2. Section 70.4045, Property Code, as added by this

1 Act, applies only to a lien that attaches on or after the effective
2 date of this Act. A lien that attaches before the effective date of
3 this Act is governed by the law as it existed immediately before
4 that date, and that law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2015.