

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 549

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LIENS; AMENDING SECTION 45-1910, IDAHO CODE, TO PROVIDE WHEN A
2 NOTICE OF STATE LIEN WITH A COUNTY RECORDER FILED ON A DATE CERTAIN SHALL
3 LAPSE, TO PROVIDE WHEN NOTICE OF A STATE LIEN TRANSITIONED TO THE SECRE-
4 TARY OF STATE SHALL REMAIN IN EFFECT AND TO MAKE A TECHNICAL CORRECTION;
5 AND DECLARING AN EMERGENCY.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 45-1910, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 45-1910. EFFECTIVE DATE AND TRANSITION. (1) This chapter shall be in
11 full force and effect for all notices of state lien which are filed on or af-
12 ter July 1, 1998.

13 (2) Except for notices of state lien for child support delinquency, the
14 transition period for filing notices of state lien shall begin on January
15 1, 1998, and end on June 30, 1998. The following conditions shall apply to
16 notices which were filed or recorded before January 1, 1998, and to notices
17 filed during the transition period:

18 (a) A notice of state lien which was recorded with a county recorder
19 between January 1, 1993, and June 30, 1993, shall lapse on the fifth
20 anniversary of the recording date, unless the filing agency records a
21 notice of renewal with the recorder prior to the lapse and files a notice
22 of transition and continuation with the secretary of state before July
23 1, 1998. A notice of transition and continuation shall include all of
24 the information required by section 45-1904, Idaho Code, the date of the
25 recording of the original notice with the county recorder, and a state-
26 ment that the effectiveness of the notice is to be continued for another
27 five (5) year period. In the event the filing agency files a notice of
28 transition and continuation, the effectiveness of the notice of state
29 lien shall lapse on the tenth anniversary of the original recording
30 date, unless the filing agency files a further notice of continuation as
31 required by section 45-1906(4), Idaho Code.

32 (b) A notice of state lien which was recorded with a county recorder
33 between July 1, 1993, and December 31, 1997, will remain effective be-
34 yond June 30, 1998, only if a filing agency files a notice of transi-
35 tion with the secretary of state during the transition period. A notice
36 of transition shall include all of the information required by section
37 45-1904, Idaho Code, and the date of the recording of the original no-
38 tice with the county recorder. After a notice of transition has been
39 filed, the effectiveness of the notice of state lien shall lapse on the
40 fifth anniversary of the date of the recording with the county recorder,
41 unless the filing agency files a notice of continuation as required by
42 section 45-1906(4), Idaho Code.

1 (c) A notice of state lien which is first filed during the transition
2 period shall be fully effective during the transition period only if
3 the filing agency has filed a notice with the secretary of state and
4 recorded a notice with the appropriate county recorder. A notice of
5 state lien which is filed with the secretary of state during the transi-
6 tion period, and which is not recorded with the county recorder, shall
7 be fully effective on and after July 1, 1998, and shall be effective
8 before that date against any party with actual notice after the date of
9 filing. A notice of state lien which is recorded with a county recorder
10 during the transition period, but not filed with the secretary of state,
11 shall be fully effective through June 30, 1998. A notice of state lien
12 first filed during the transition period shall lapse on the fifth an-
13 niversary of the date of filing with the secretary of state, unless the
14 filing agency files a notice of continuation as required by section
15 45-1906(4), Idaho Code.

16 (3) The effectiveness of a notice of state lien for child support delin-
17 quency which was recorded with a county recorder shall lapse on July 1, 1998,
18 unless a notice of transition is filed with the secretary of state on or be-
19 fore July 1, 1998. If a notice of transition is filed, the notice of state
20 lien will remain effective until a notice of release is filed pursuant to
21 section 45-1908(2), Idaho Code.

22 (4) A notice of state lien on record with a county recorder before July
23 1, 1998, and not previously lapsed or released, shall be deemed to have
24 lapsed on July 1, 1998, and shall be null, void and of no further force and
25 effect.

26 (5) A notice of state lien transitioned to the secretary of state will
27 remain in effect on the records of the secretary of state pursuant to the
28 procedures of section 45-1906, Idaho Code, despite having lapsed with the
29 county recorder under the preceding section.

30 (6) Notwithstanding the provisions of section 45-1905, Idaho Code, a
31 state lien which was perfected under a prior law and transitioned to perfec-
32 tion under this chapter without a break in perfection, shall have priority as
33 if it had been filed under this chapter on the date of its original perfection
34 under the prior law.

35 SECTION 2. An emergency existing therefor, which emergency is hereby
36 declared to exist, this act shall be in full force and effect on and after its
37 passage and approval.