

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2006 JUN 27 P 4: 16

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Secretary of State TITLE NUMBER: 153

RULE TYPE: Procedural CITE AUTHORITY: §46-9-526; 153CSR35

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 16

TITLE OF RULE BEING PROPOSED: Uniform Commercial Code Electronic Filing

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 27, 2006 AT 10:30 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Vicki Haught, Manager
UCC/Process Division
Secretary of State's Office
1900 Kanawha Boulevard E
Charleston WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Uniform Commercial Code Electronic Filing

Type of Rule: Legislative Interpretive Procedural

Agency: Vicki Haught, Manager

Address: UCC/Process
Secretary of State's Office
1900 Kanawha Boulevard East
Charleston WV 25305

Phone Number: 558-6000 Email: vhaught@wvsos.com

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This is a procedural rule on how to fill out a form online. It is cost neutral.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: Uniform Commercial Code Electronic Filing

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

Procedural rule, does not increase or decrease fees.

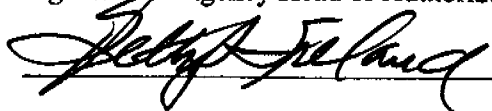
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

N/A

Date: June 26, 2006

Signature of Agency Head or Authorized Representative



The rule establishes how Uniform Commercial Code liens filings are made using online access. This rule describes how to fill out the form.

**TITLE 153
PROCEDURAL RULE
SECRETARY OF STATE**

FILED

2006 JUN 27 P 4: 16

**SERIES 16
UNIFORM COMMERCIAL CODE ELECTRONIC FILING**

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§153-16-1. General.

1.1. Scope. -- This procedural rule establishes how Uniform Commercial Code lien filings can be made using online access.

1.2. Authority. -- W. Va. Code §46-9-526 and 153CSR35.

1.3. Filing Date. --

1.4. Effective Date. --

§153-16-2 Definitions

2.1. For the purpose of this rule:

2.1.1. "Electronic record" means any record maintained in a database by the Secretary of State, which becomes available for access electronically at a remote location, and which may include those portions of the complete record as are public and considered appropriate to include in the viewable database, as determined by the Secretary of State.

2.1.2. "Online" means accessible via a computer or a computer network.

2.1.3. "Online access" means access to view any available electronic record from a remote site via the Internet, modem, or other means of electronic data communication.

2.1.4. "UCC" means the Uniform Commercial Code.

2.1.5. "User" means each concurrent use by a subscriber using a single access identification.

§153-16-3. Filing Fee.

3.1. The filing fee for filing UCC liens online is ten dollars for any one filing, as established by W. Va. Code §45-9-525.

§153-16-4. Method of Payment.

4.1. Payment for online filing is by credit card only.

§153-16-5. Information Required in an online UCC filing.

5.1 If an organization is named as debtor, it should provide its name exactly as it appears on the corporate records, with no abbreviation unless such abbreviation appears in its corporate title. The organization cannot be a DBA and cannot be combined with another debtor.

5.2 If an individual is named as a debtor, the individual should provide its exact and full name, including suffix (“Jr.”, “Sr.”, etc.) when applicable ;

5.3. Each UCC filing made online must contain the following information:

5.3.1. the full address for the debtor;

5.3.2. the tax identification number issued by a state’s department of tax to each debtor, if available;

5.3.3 the organizational type of each debtor (LLC, Corporation, etc.);

5.3.4 the state in which the organization has been registered;

5.3.5. the identification number issued to the organization or individual when it was registered. If the organization’s state of origin does not issue organization identification numbers, mark “None”;

5.3.6. for a second debtor, the requirements of this Section are repeated. If there are more than two debtors, the addendum for additional debtors is completed using the requirements of this Section.;

5.3.7. the name of the secured party is entered using the requirements of this Section;

5.3.8 the description of the collateral. If there is not room for all information to be included, type “See attachment” and attach additional information to filing.

5.3.9. the alternative designation, if applicable; and

5.3.10 any additional information that may be helpful in the filing process.

§153-16-6. Acceptance and Refusal of Documents.

6.1. Acceptance or refusal of liens filed online are in accordance with 153CRS35 and W. Va. Code §46-9-526. The electronic record will be reviewed. If the user has filled in

all of the mandatory information, the correct fee has been paid, and no fraudulent intent is suspected, the filing will be accepted.

6.1.1. Acknowledgment of the accepted filing will be sent to the user indicated on the form.

6.1.2. Online access to the filed records is available so the user can check the filed documents if needed.