

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

Form #5

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2006 AUG -4 A 11:02

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Secretary of State TITLE NUMBER: 153

CITE AUTHORITY: §46-9-526 and 153CSR35

RULE TYPE: PROCEDURAL  INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES  NO

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS September 5, 2006

  
Authorized Signature

TITLE 153  
PROCEDURAL RULE  
SECRETARY OF STATE

FILED

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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. -- August 4, 2006.

1.4. Effective Date. -- September 5, 2006.

**§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

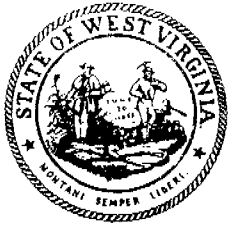
5.3.10. any additional information that may be helpful in the filing process.

**§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.



OFFICE OF THE SECRETARY OF STATE  
STATE OF WEST VIRGINIA

**Betty Ireland**  
Secretary of State

No comments were received.

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