

THE OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODE

CHAPTER 820-4-3
PROCEDURES FOR REVISED ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE

820-4-3-.01 General Provisions.

(1) Definitions.

(a) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

(b) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

(c) "Correction statement" means a UCC record that indicates a financing statement is inaccurate or wrongfully filed.

(d) "Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

(e) "Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.

(f) "Notice of Correction" means a statement of correction entered into the filing office's information system to correct an error by the filing office.

(g) "Organization" means a legal person who is not an individual.

(h) "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

(i) "UCC" means the Uniform Commercial Code as adopted in this state as set forth in Title 7 of the Code of Ala. 1975, and in effect from time to time.

(j) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement and shall not be deemed to refer exclusively to paper or paper-based writings.

(2) UCC records may be tendered for filing at the filing office as follows.

(a) Personal delivery, at the filing office's street address. The file time for a UCC record delivered by this method is when delivery of the UCC record is accepted by the filing office (even though the UCC record may not yet have been accepted for filing and subsequently may be rejected).

(b) Courier delivery, at the filing office's street address. The file time for a UCC record delivered by this method is, notwithstanding the time of delivery, the next close of business following the time of delivery (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected). A UCC record delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

(c) Postal service delivery, to the filing office's mailing address. The file time for a UCC record delivered by this method is the next close of business following the time of delivery (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected). A UCC record delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

(d) Electronic filing. UCC records, excluding correction statements and notices of correction may be transmitted electronically using the XML standard approved by the International Association of Corporation Administrators. UCC records may also be transmitted electronically through on-line entry. The file time for a UCC record delivered by this method is the time that the filing office's EDI system analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine-readable.

(7) Search request delivery. UCC search requests may be delivered to the filing office by any of the means by which UCC records may be delivered to the filing office. A search request for a debtor named on an initial financing statement may be made on the initial financing statement form if the form is accepted and the relevant search fee is also tendered.

(8) Approved forms. The forms prescribed by Section 7-9A-521 shall be accepted by the filing office. Forms approved by the International Association of Corporate Administrators on or prior to January 1, 2002 and forms approved by the filing office shall be accepted.

(9) Filing fees. The filing and other applicable fees are set forth in Section 7-9A-525, Code of Ala. 1975, and, if applicable, Section 40-22-2, Code of Ala. 1975.

(10) Expedited services.

(a) Description of expedited service and fee.

1. Acceptance and Refusal Process. Expedited service is not available for the acceptance and refusal of filings.

2. Responding to UCC search request. Expedited service is available for UCC search requests and provides priority response by the filing office over non-expedited search requests. Expedited search requests will be processed in the order received and is available for an additional fee of one hundred dollars (\$100.00).

(b) How to request expedited service.

(1) Acceptance and Refusal Process. Not applicable.

(2) Responding to UCC search request. Expedited service may be requested for UCC search requests by including the words "expedited service" or similar language in block 3 of the national UCC 11 Search Request form.

(11) Methods of payment. Filing fees and fees for public records services may be paid by the following methods.

(a) Cash. Payment of cash shall be accepted if paid in person at the filing office.

(b) Checks. Personal checks, cashier's checks and money orders made payable to the filing office may be accepted. Grounds for rejecting checks include past experiences with checks returned for insufficient funds or reasonable doubts as to the check's authenticity.

(c) Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association ("NACHA") rules from remitters who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

(d) Prepaid account. A prepaid account may be used for payment. An account shall be opened by submitting an application furnished by the filing officer and prepaying an amount not less than \$500.00. The filing officer shall issue an account number to be used by a remitter who chooses to pay filing fees by this method. The filing officer shall deduct filing fees from the remitter's prepaid account when authorized to do so by the remitter. The remitter may authorize transactions against the client account by electronic, written or telephone authorization referencing the remitter's account number.

(e) Debit and/or credit cards. The filing office shall accept payment by debit cards and credit cards issued by approved issuers. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment.

(12) Overpayment and underpayment policies.

(a) Overpayment. The filing officer will not refund any amount of overpayment.

(b) Underpayment. Upon receipt of a record with an insufficient fee, the filing officer shall return the record and the tendered payment to the remitter as provided in rule 820-4-3-.02(4).

(13) Fees for public records services. Fees for public records services are established as follows.

(a) Paper copies of records are provided as follows:

1. For reproducing any law or other material where the copy is desired, \$1.00 per page;

2. For any certificate and the annexation of the seal of the state, \$5.00.

(b) Data (without scanned images) from the information management system.

1. Full extract \$1,500.00.

2. Weekly update extracts \$ 300.00.

3. Format. The format and means of delivery will be established by agreement between the filing office and the purchaser.

(c) Access to electronic data and images through a website authorized by the Office of the Alabama Secretary of State.

1. All electronic UCC transactions will be charged an access fee of \$9.75 per transaction in addition to any applicable contract provider convenience fee.

2. Said fees shall be in addition to any statutory filing, information request, and copy fees set forth in the Code of Ala. 1975, Section 7-9A-525.

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Statutory Authority: Code of Ala. 1975, §7-9A-526.

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