

LEGISLATIVE BILL 1099

Approved by the Governor April 15, 2004

Introduced by Johnson, 37

AN ACT relating to security interests; to amend section 52-1316, Reissue Revised Statutes of Nebraska, section 52-1313, Revised Statutes Supplement, 2003, and section 9-525, Uniform Commercial Code; to change provisions relating to filing fees; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 52-1313, Revised Statutes Supplement, 2003, is amended to read:

52-1313. (1) Presentation for filing of an effective financing statement and the acceptance of the statement by the Secretary of State constitutes filing under sections 52-1301 to 52-1322.

(2) The fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing of an effective financing statement, an amendment, or a continuation statement shall be ~~five ten~~ ten dollars. There shall be no fee for the filing of a termination statement.

(3) The fee for attachments to all instruments submitted for filing shall be fifty cents per page.

(4) The Secretary of State shall deposit any fees received pursuant to this section in the Uniform Commercial Code Cash Fund.

Sec. 2. Section 52-1316, Reissue Revised Statutes of Nebraska, is amended to read:

52-1316. (1) Oral and written inquiries regarding information provided by the filing of effective financing statements may be made at any county clerk's office or the office of the Secretary of State during regular business hours. The fee for furnishing file information shall be ~~two dollars and fifty cents~~ four dollars and fifty cents for each debtor name searched by the county clerk or Secretary of State. Written confirmation of an oral or written inquiry shall be mailed no later than the end of the next business day after the inquiry is received.

(2) The Secretary of State shall provide a system that assigns an identifying number to each inquiry made pursuant to subsection (1) of this section. Such number shall be given to the inquiring party at the time of the oral response and shall be included in the written confirmation. The Secretary of State and the county clerks shall maintain a record of inquiries made under this section identifying who made the inquiry, on whom the inquiry was made, and the date of the inquiry.

(3) The Secretary of State may provide for a computerized system for inquiry and confirmation which may be used in lieu of the inquiry and confirmation under subsection (1) of this section. When such a system is implemented and used, it shall have the same effect as an inquiry and confirmation under subsection (1) of this section.

(4) There shall be no fee charged for actual inspection of records of effective financing statements kept by the county clerk or the Secretary of State for the inspection of ten names or less per day by a single person. There shall be a uniform fee, in addition to any other charge for services payable to the county clerk or the Secretary of State, of one dollar per name for each inspection in excess of ten names per day by a single person.

(5) The county clerk and Secretary of State and their employees or agents shall be exempt from all personal liability as a result of any error or omission in providing information as required by this section except in cases of willful misconduct or gross negligence.

(6) Fees received pursuant to this section by county clerks shall be deposited in the county general fund. Of the fees received pursuant to this section by the Secretary of State for furnishing file information by electronic or other means, ~~one dollar and fifty cents~~ three dollars and fifty cents of each fee shall be deposited in the Uniform Commercial Code Cash Fund and one dollar of each fee shall be deposited in the Records Management Cash Fund.

Sec. 3. Section 9-525, Uniform Commercial Code, is amended to read: 9-525. Fees.

(a) The fee for filing and indexing a record under this part is:

(1) ~~Six~~ Except as provided in subdivision (a)(4) of this section, ten dollars if the record is communicated in writing and consists of one page;

(2) ~~Six~~ Except as provided in subdivision (a)(4) of this section, ten dollars plus fifty cents per page for the second page and for each additional page if the record is communicated in writing and consists of more than one page; and

(3) ~~Five~~ Except as provided in subdivision (a)(4) of this section, eight dollars if the record is communicated by another medium authorized by filing-office rule; and

(4) Seventy-five dollars, plus fifty cents per page for the second and each subsequent page of the filing, if the debtor is a transmitting utility and the filing so indicates.

(b) The number of names required to be indexed does not affect the amount of the fee in subsection (a).

(c) There is no fee for the filing of a termination statement.

(d)(1) The fee for responding to a request for information from the filing office, including for communicating whether there is on file any financing statement naming a particular debtor, is ~~three dollars and fifty cents~~ four dollars and fifty cents.

(2) Of the fees received pursuant to this subsection by the Secretary of State, one dollar of each fee shall be remitted to the State Treasurer for credit to the Records Management Cash Fund.

Sec. 4. Original section 52-1316, Reissue Revised Statutes of Nebraska, section 52-1313, Revised Statutes Supplement, 2003, and section 9-525, Uniform Commercial Code, are repealed.