

1 **SENATE FLOOR VERSION**

2 April 5, 2022

3 ENGROSSED HOUSE
4 BILL NO. 3811

By: Stinson of the House

and

Murdock of the Senate

5
6
7
8 An Act relating to the Uniform Commercial Code;
9 amending 12A O.S. 2021, Section 1-9-320.6, which
10 relates to the farm products central filing system;
11 authorizing master list to be available via Internet
12 download; amending 28 O.S. 2021, Section 111, which
13 relates to fees charged by the Secretary of State;
14 clarifying application of certain registration fee;
15 authorizing Secretary of State to provide master list
16 by Internet download; and providing an effective
17 date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 12A O.S. 2021, Section 1-9-320.6,
20 is amended to read as follows:

21 Section 1-9-320.6

22 CENTRAL FILING SYSTEM RELATING TO FARM PRODUCTS

23 (1) The Secretary of State shall be responsible for developing
24 and implementing the central filing system. This responsibility
shall include obtaining the necessary certification for the system
from the United States Department of Agriculture ("USDA"). The

1 effective date for the implementation of the central filing system
2 was October 24, 1988.

3 (2) The Secretary of State may promulgate, in accordance with
4 the applicable provisions of the Administrative Procedures Act,
5 appropriate rules for the implementation and operation of the
6 central filing system.

7 (3) The Office of Management and Enterprise Services shall
8 assist the Secretary of State in developing and implementing the
9 central filing system.

10 (4) The central filing system shall conform to the following
11 requirements:

12 (a) The Secretary of State shall record the date and hour
13 of the filing of each effective financing statement;

14 (b) The Secretary of State shall compile all effective
15 financing statements into a master list:

16 (i) organized according to farm products;

17 (ii) arranged within each such product:

18 (A) in alphabetical order according to the last
19 name of the individual debtors or, in the
20 case of debtors doing business other than as
21 individuals, the first word in the name of
22 the debtors;

23 (B) in numerical order according to the Social
24 Security number of the individual debtors

1 or, in the case of debtors doing business
2 other than as individuals, the Internal
3 Revenue Service taxpayer identification
4 number of the debtors;

5 (C) geographically by county produced; and

6 (D) by crop year; and

7 (iii) containing the information provided for in
8 subparagraph (iv) of paragraph (d) of Section 1-
9 9-320.2 of this title;

10 (iv) portions of the master list shall be available in
11 hard copy ~~or~~, electronic formats, or via Internet
12 download, and may be organized by other sorting
13 methods in addition to the methods listed above.

14 (c) The Secretary of State shall maintain records of all
15 buyers of farm products, commission merchants, selling
16 agents and others who register with the Secretary of
17 State, on a form containing:

18 (i) the name and address of each registrant;

19 (ii) the information on the farm product or products
20 that the registrant is requesting;

21 (iii) the name of each county where the product is
22 produced or to be produced, or a blanket code
23 covering all seventy-seven (77) counties of this
24 state; and

1 (iv) an authorized signature.

2 (d) (i) A copy of those portions of the master list
3 covering the information requested by a
4 registrant shall be distributed to such
5 registrants by the Secretary of State on or
6 before the last business day of each month and
7 shall be presumed to have been received by the
8 third business day of the following month.

9 (ii) Registrants shall be deemed to be registered only
10 as to those portions of the master list for which
11 they register, and shall be deemed to have failed
12 to register and shall not be considered to be
13 registrants as to those portions for which they
14 do not register.

15 (iii) Registrants are subject only to security
16 interests shown on the portions of the master
17 list which they receive as a consequence of
18 registration with the Secretary of State.

19 (iv) If a particular security interest is shown on the
20 master list, but was included since the last
21 regular distribution of portions of the master
22 list to registrants, registrants shall not be
23 subject to that security interest;

24

1 (e) The duration of the registration with the Secretary of
2 State of a buyer of farm products, commission
3 merchant, selling agent or other registrant shall be
4 one (1) year from the effective date of the
5 registration with the Secretary of State.

6 (f) (i) Upon request, within twenty-four (24) hours of
7 any inquiry, for information, the Secretary of
8 State shall provide verbal confirmation of the
9 existence or nonexistence of any effective
10 financing statement on file. By the close of the
11 business day following the day on which the
12 request was received, written confirmation of the
13 existence of an effective financing statement
14 will be provided to buyers of farm products,
15 commission merchants, and selling agents who have
16 not registered, and others who request it.

17 (ii) The state or political subdivision shall not be
18 liable if a loss or claim results from any
19 confirmation of the existence or nonexistence of
20 any effective financing statement on file in the
21 Office of the Secretary of State made in good
22 faith by an employee of the Office of the
23 Secretary of State as required by the provisions
24 of this section.

1 (5) The filing in the office of the Secretary of State under
2 this section shall be in addition to the filing requirements
3 provided for in this article.

4 (6) A financing or continuation statement covering farm
5 products that has not lapsed and which was filed pursuant to this
6 title between December 23, 1986, and October 24, 1988, inclusive,
7 and for which no written notice was furnished as provided in Section
8 1-9-320.7 of this title, shall become ineffective as to a buyer of
9 farm products, commission merchant or selling agent, unless the
10 secured party files an effective financing statement in the office
11 of the Secretary of State.

12 (7) An effective financing statement shall not be deemed filed
13 in accordance with the provisions of this section until all fees
14 authorized by Section 111 of Title 28 of the Oklahoma Statutes
15 relating to the filing of the statement are tendered to the
16 Secretary of State.

17 (8) The secured party shall file a termination statement within
18 twenty (20) days after there is no outstanding secured obligation or
19 commitment to make advances, incur obligations or otherwise give
20 value. The secured party shall not be required to file a
21 termination statement if the debtor, in writing, addressed to the
22 secured party, requests that a termination not be filed. The
23 request shall be signed by the debtor or an authorized
24 representative and the request may be made at any time prior to the

1 expiration date of an effective financing statement set forth
2 herein. If the affected secured party fails to file a termination
3 statement as required by this subsection, the party shall be liable
4 to the Secretary of State for Five Hundred Dollars (\$500.00). In
5 addition the affected secured party shall be liable to the debtor
6 for any loss caused to the debtor by the failure to terminate the
7 effective financing statement.

8 (9) The Attorney General shall be responsible for enforcing the
9 provisions of subsection (8) of this section on behalf of the
10 Secretary of State and is authorized to take appropriate actions to
11 collect any penalties owed to the Secretary of State pursuant to
12 subsection (8) of this section. When collected, the Attorney
13 General shall cause the penalty to be deposited into the Central
14 Filing System Revolving Fund created pursuant to Section 276.3 of
15 Title 62 of the Oklahoma Statutes.

16 SECTION 2. AMENDATORY 28 O.S. 2021, Section 111, is
17 amended to read as follows:

18 Section 111. A. In addition to other fees provided for by law,
19 the Secretary of State shall collect the following fees:

20 1. For affixing the certificate of the Secretary of State and
21 the seal of the State of Oklahoma, Ten Dollars (\$10.00);

22 2. For copying any paper or document, One Dollar (\$1.00) per
23 page, provided the minimum charge shall not be less than Two Dollars
24 (\$2.00);

1 3. For filing an effective financing statement in the Office of
2 the Secretary of State pursuant to Section 1-9-320.6 of Title 12A of
3 the Oklahoma Statutes, Ten Dollars (\$10.00);

4 4. For filing a continuation statement, partial release,
5 assignment of or amendment to an effective financing statement filed
6 in the Office of the Secretary of State pursuant to Section 1-9-
7 320.6 of Title 12A of the Oklahoma Statutes, Ten Dollars (\$10.00);

8 5. For filing a termination statement for an effective
9 financing statement filed in the Office of the Secretary of State
10 pursuant to Section 1-9-320.6 of Title 12A of the Oklahoma Statutes,
11 Ten Dollars (\$10.00);

12 6. For registering a buyer of farm products, commission
13 merchant, selling agent or other interested party as provided for in
14 Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, Fifty
15 Dollars (\$50.00) per year. The registration fee provided for in
16 this paragraph shall not apply if the buyer of farm products,
17 commission merchant, selling agent, or other interested party as
18 provided for in Section 1-9-320.6 of Title 12A of the Oklahoma
19 Statutes accesses the master list through Internet download;

20 7. For distributing a copy of the master list or portions
21 thereof to registrants, as provided for in Section 1-9-320.6 of
22 Title 12A of the Oklahoma Statutes, in accordance with the following
23 fee schedule. Such fees may be paid annually or semiannually:

24 a. For information requested for five or less counties:

1		Number of Farm	
2		Products	Paper
3	(1)	1 to 5 products	\$150 per year
4	(2)	6 to 10 products	\$200 per year
5	(3)	11 to 20 products	\$250 per year
6	(4)	over 20 products	\$300 per year

b. For information requested for six to twenty-five counties:

9		Number of Farm	
10		Products	Paper
11	(1)	1 to 10 products	\$200 per year
12	(2)	11 to 20 products	\$250 per year
13	(3)	over 20 products	\$300 per year

c. For information requested for twenty-six to fifty counties:

16		Number of Farm	
17		Products	Paper
18	(1)	1 to 10 products	\$250 per year
19	(2)	11 to 20 products	\$300 per year
20	(3)	over 20 products	\$350 per year

d. For information requested for over fifty counties:

22		Number of Farm	
23		Products	Paper
24	(1)	1 to 10 products	\$300 per year

1 (2) 11 to 20 products\$350 per year

2 (3) over 20 products\$400 per year;

3 8. a. The Secretary of State is authorized to provide for
4 the distribution of the master list or portions
5 thereof to those persons specified in paragraph 7 of
6 this subsection through Internet download, electronic
7 data equipment, or other communication media in such
8 form and manner as is specified by the Secretary of
9 State. The Secretary of State shall not collect a fee
10 for distribution of the master list or portions
11 thereof through Internet download.

12 b. The Secretary of State is authorized to establish a
13 fee system for such transfer of information pursuant
14 to this paragraph. Such fee shall not exceed the
15 amount necessary to cover the costs of the Secretary
16 of State in providing such transfer of information.

17 c. In providing for the transfer of the information
18 specified by this paragraph, the Secretary of State
19 shall ensure the integrity of confidential information
20 within the Office of the Secretary of State through
21 data security measures, internal controls and
22 appropriate data base management;

1 9. For issuing a written confirmation of the existence or
2 nonexistence of active effective financing statements on file for a
3 debtor in the Office of the Secretary of State, Six Dollars (\$6.00);

4 10. The Secretary of State shall collect a fee of Twenty-five
5 Dollars (\$25.00) for every apostille issued. For the purposes of
6 this paragraph, an apostille is a special certificate attached to a
7 public record, as required by the 1961 Hague Convention, Fed. R.
8 Civ. P. 44 (28 U.S.C.A.), to certify the authenticity of the
9 signature, the capacity in which the person signing the document has
10 acted and, where appropriate, the identity of the seal or stamp
11 which it bears; provided, however, a fee of Ten Dollars (\$10.00)
12 shall be collected for any apostille requested for an international
13 adoption not to exceed One Hundred Dollars (\$100.00) for the
14 adoption of each child; and

15 11. For each service rendered and not specified in this
16 section, such fees as are allowed for similar services in other
17 cases.

18 B. All fees shall be properly accounted for and shall be paid
19 into the State Treasury monthly. The fees generated by paragraphs
20 1, 2, 10 and 11 of subsection A of this section shall be deposited
21 to the credit of the Revolving Fund for the Office of the Secretary
22 of State created pursuant to Section 276.1 of Title 62 of the
23 Oklahoma Statutes. The fees generated by paragraphs 3 through 9 of
24 subsection A of this section and other fees collected by the central

1 filing system shall be deposited to the credit of the Central Filing
2 System Revolving Fund created pursuant to Section 276.3 of Title 62
3 of the Oklahoma Statutes.

4 SECTION 3. This act shall become effective November 1, 2022.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
6 April 5, 2022 - DO PASS
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24