

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL 3811

By: Stinson

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8                                   COMMITTEE SUBSTITUTE

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

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

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

22                   Section 1-9-320.6

23                                   CENTRAL FILING SYSTEM RELATING TO FARM PRODUCTS

24                   (1) The Secretary of State shall be responsible for developing  
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  
19 or 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.

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6 COMMITTEE REPORT BY: COMMITTEE ON BANKING, FINANCIAL SERVICES AND  
7 PENSIONS, dated 03/01/2022 - DO PASS, As Amended.  
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