
Rules of Elected Officials

Division 30—Secretary of State

Chapter 90—Uniform Commercial Code

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Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

15 CSR 30-90.010 Definitions

PURPOSE: This rule gives meaning to terminology used throughout this chapter.

(1) As used in this chapter, the following terms mean:

(A) “ACH account” is a method of payment via electronic funds transfer under the National Automated Clearing House Association rules;

(B) “Address” means either a street address, route # (may include box) or PO Box number, plus the city, state and zip code;

(C) “Amendment” means a Uniform Commercial Code (UCC) record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations;

(D) “Assignment” is an amendment that assigns all or a part of a secured party’s power to authorize an amendment to a financing statement;

(E) “Certified search” is certified documentation of information maintained by the filing office;

(F) “Continuation statement” shall have the meaning prescribed by section 400.9-102, RSMo;

(G) “Correction statement” means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed;

(H) “Fees” include all fees required by statute, including fees for the Technology Trust Fund;

(I) “File number” shall have the meaning prescribed by section 400.9-519, RSMo;

(J) “Filing office” means the appropriate place for filing UCC documents at the Office of the Secretary of State or county recorder of deeds;

(K) “Filing officer” means the secretary of state or the county recorders of deeds;

(L) “Filing officer statement” means a statement of correction entered into the filing office’s information system to correct an error by the filing office;

(M) “Financing statement” shall have the meaning prescribed by section 400.9-102, RSMo;

(N) “Image” means the image of a document as stored in the UCC information management system;

(O) “Individual” means a human being, or a decedent who was a debtor;

(P) “Initial financing statement” means a UCC record containing the information

required by section 400.9-502, RSMo, which, when filed, causes the filing office to establish the initial record in the filing office’s UCC information management system;

(Q) “Organization” means a legal person who is not an individual;

(R) “Organizational number” means the identifying number issued to an entity upon registration in the entity’s state of formation;

(S) “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;

(T) “Secured party of record” shall have the meaning prescribed in section 400.9-511, RSMo;

(U) “Termination statement” shall have the meaning prescribed in section 400.9-102, RSMo;

(V) “UCC” means the Uniform Commercial Code as adopted in this state;

(W) “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 writing; and

(X) “UCC website” means the series of related Internet web pages provided for online filing and search functions in this state.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.020 Delivery of Records

PURPOSE: This rule describes acceptable means of delivering records.

(1) Uniform Commercial Code (UCC) records may be tendered for filing at the filing office as follows:

(A) Personal delivery, at the filing office;

(B) Courier delivery, at the filing office’s street address;

(C) Postal delivery, to the filing office’s mailing address;

(D) Electronic filing as established and maintained by the filing office.

(2) UCC records shall be processed and assigned a number in the order they are received. The filing time for any UCC record delivered to the filing office by personal delivery, courier service, or electronic delivery shall be the actual time of receipt in the UCC division of the filing office. The filing time for any UCC record delivered to the filing office by postal delivery shall be 8:00 a.m. on the date it is received.

(3) UCC paper search requests may be delivered by any means by which UCC paper records may be delivered to the filing office. Search requests shall only be accepted on the UCC-11 form.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.030 Forms

PURPOSE: This rule specifies the acceptable forms to be used in Uniform Commercial Code (UCC) filings.

(1) The only forms accepted by the filing office are:

(A) The forms prescribed in section 400.9-521, RSMo; or

(B) Forms promulgated and approved by the International Association of Commercial Administrators and approved by the Office of the Secretary of State. The filing office shall make such forms available to prospective filers and remitters upon request.

(2) Anyone tendering Uniform Commercial Code (UCC) records for filing at the filing office shall not include tax ID numbers or Social Security numbers on such UCC records. If anyone tendering UCC records for filing at the filing office does include tax ID numbers or Social Security numbers, the filer shall also tender to the filing office an authorization signed by the holder of such tax ID number or Social Security number which authorizes the filing office to publicly disclose such number.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.040 Fees

PURPOSE: This rule specifies the appropriate fees due upon filing.

(1) If the filing office is the secretary of state:

(A) The fees for filing and indexing a Uniform Commercial Code (UCC) record, including, but not limited to continuations, amendments, assignments, terminations and financing statements pursuant to section 400.9-502(c), RSMo, are seventeen dollars (\$17) for the first page and one dollar (\$1) for each subsequent page. If the record is communicated by electronic medium authorized by filing office rule the fees shall be seventeen dollars (\$17).

(B) The fees for responding to a paper request for information from the filing office, including for communicating whether or not the requested name of a particular debtor is on file are twenty-seven dollars (\$27). Copy requests for requested filings are one dollar (\$1) for each page copied.

(C) No fee is assessed for online search information available for filings and images from the secretary of state website.

(2) If the filing office is other than the secretary of state, then the fees are those that are otherwise provided by law. Other filing offices may enact a similar fee structure.

(3) If a filing is paid with an insufficient funds check, the filer will then be notified that the filing will be voided and removed from the system with a notation on the record that it was void due to insufficient funds.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.050 Methods of Payment

PURPOSE: This rule specifies the appropriate methods of payment for filing fees.

(1) Payments may be made in the following manner:

(A) Payment in cash shall be accepted only if paid in person at the filing office;

(B) Payment by Automatic Clearing House transfer of funds shall be accepted (ACH accounts) for electronic filings and in accordance with procedures prescribed by the secretary of state. The filing office shall make information on such procedures available to prospective filers and remitters upon request;

(C) Personal checks, cashier's checks and money orders made payable to the Department of Revenue, including checks in an amount to be filled in by a filing officer but not to exceed a particular amount, shall be accepted for payment if they are drawn on a bank acceptable to the filing office and if the drawer is acceptable to the filing office; and

(D) The secretary of state shall accept payment by specified types of debit and credit cards issued by approved debit or credit card issuers. The secretary of state accepts such payment by mail, in person and electronically. Remitters shall provide the secretary of state with:

1. The card number;
2. The expiration date of the card;
3. The name of the approved card issuer;
4. The name of the person or entity to whom the card was issued; and
5. The billing address for the card.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.060 Overpayment and Underpayment of Fee

PURPOSE: This rule provides a procedure for the overpayment and underpayment of fees.

(1) The filing officer shall refund the amount of an overpayment of five dollars (\$5) or more to the remitter. The filing officer shall refund an overpayment of less than five dollars (\$5) only upon the written or verbal request of the remitter.

(2) Upon receipt of a record with an insufficient fee, the filing officer shall return the record to the remitter. The insufficient fee may be returned as received, or a refund may be delivered under separate cover.

(3) All refunds shall be made in the form of a warrant issued by the state treasurer. Those warrants shall be redeemed within one hundred eighty (180) days from the date of issue.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.070 Filing Officer's Duties are Ministerial

PURPOSE: This rule clarifies the duties of the filing officer.

(1) The duties and responsibilities of the filing officer with respect to the administration of the Uniform Commercial Code (UCC) are ministerial. By accepting for filing, or refusing to file, a UCC record pursuant to these rules, the filing officer does not:

(A) Determine the legal sufficiency or insufficiency of a record;

(B) Determine that a security interest in collateral exists or does not exist;

(C) Determine that information in the record is correct or incorrect, in whole or in part;

(D) Create a presumption that information in the record is correct or incorrect, in whole or in part.

(2) Every filing will be imaged and available for public view and inspection on the secretary of state website.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.075 Bulk Records

PURPOSE: This rule provides for requests of bulk records.

(1) Bulk data from the Uniform Commercial Code (UCC) information management system shall be available in a format approved by the filing office. A list of available data elements from the UCC information management system, and the file layout of those data elements, is available from the filing officer upon request. A written agreement between the filing office and the purchaser shall determine the amount charged for the bulk data.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo.*

15 CSR 30-90.076 Multiple Names

PURPOSE: This rule provides the method of filing under multiple names.

(1) To file multiple debtor names on an initial financing statement, a filer must provide the

additional names in either Box 2 of the Uniform Commercial Code (UCC) Financing Statement or Box 11 of the UCC Financing Statement Addendum. Debtor names appearing in other boxes or on attachments will not be indexed. There is no limit to the number of addendum pages that may be attached.

(2) To file multiple secured party names on an initial financing statement, the filer must provide the additional names in only Box 7 of the national UCC Financing Statement Amendment. Secured party names appearing in other boxes or attachments will not be indexed. There is no limit to the number of addendum pages that may be attached.

(3) When filing via an electronic method there is no limit to the number of secured party names or debtor names that may be indexed by the filer online.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.080 Notification of Defects

PURPOSE: This rule provides a clarification of filing officer's duties relating to defects.

(1) Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a Uniform Commercial Code (UCC) record, whether or not it was filed or refused for filing. The filing office is under no obligation to do so and may not have the resources to observe, identify, or communicate such defects. The remitters are responsible for the legal sufficiency of records.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.090 Refusal to File; Cancellation; Defects in Filing

PURPOSE: This rule provides guidelines for when a filing officer may refuse acceptance of records.

(1) The filing officer may refuse to accept filing of a Uniform Commercial Code (UCC) record for the reasons specified in section 400.9-516, RSMo.

(2) Defects that do not warrant a filing officer's refusal to accept a record include, but are not limited to, the following:

(A) The UCC record contains or appears to contain a misspelling or other erroneous information;

(B) The UCC record appears to identify a debtor incorrectly;

(C) The UCC record appears to identify a secured party or a secured party of record incorrectly;

(D) The UCC record contains additional or extraneous information of any kind;

(E) The UCC record contains less than the information required by law except for information allowing rejection pursuant to 400.9-516(b), RSMo; and

(F) The UCC record incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.

(3) If the record contains more than one (1) debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings. The filing officer may provide a notice to the remitter containing the file number of the record, identification of the debtor name that was indexed, and a statement that any debtors with illegible or missing names or addresses were not indexed.

(4) If the record contains more than one (1) secured party or assignee name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings. The filing officer may provide a notice to the filer containing the file number of the record, identification of the secured party name that was indexed, and a statement that the secured parties with illegible or missing names or addresses were not indexed.

(5) If an amendment requests multiple actions, the filing officer shall file and index the information in accordance with the requested actions as long as adequate information can be indexed with the appropriate finance number.

(6) If, within thirty (30) days of the date that a record is rejected, a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record should not have been refused, the filing officer shall file the UCC record. The record shall be given a filing date and time reflecting the date and time the document would have been filed if it had been accepted when originally tendered for filing.

(7) The secretary of state may refuse to accept filing of a UCC record when the secretary of state determines that the record is not created pursuant to Chapter 400.9, RSMo, or is otherwise intended for an improper purpose, such as to hinder, harass, or otherwise wrongfully interfere with any person.

(8) The secretary of state shall cancel a previously filed record if:

(A) A correction statement alleging that a previously filed record was wrongfully filed and that it should have been rejected under section (7) of this rule;

(B) Such correction statement includes a written certification, under oath, by the person that the contents of the correction statement are true and accurate to the best of the person's knowledge; and

(C) The secretary of state, without undue delay, determines that the contested record was wrongfully filed and should have been rejected. In order to determine whether the record was wrongfully filed, the secretary of state may require the person filing the correction statement and the secured party to provide any additional relevant information requested by the secretary of state, including an original or a copy of any security agreement that is related to the record. If the secretary of state finds that the record was wrongfully filed and should have been rejected under section (7) of this rule, the secretary of state shall cancel the record and it shall be void and of no effect.

(9) If the secretary of state cancels a record under section (8), the secretary shall communicate to the person that presented the record the fact of and reason for the cancellation.

(10) If the secretary of state refuses to accept a record for filing pursuant to section (7) of this rule or cancels a wrongfully filed record pursuant to section (8) of this rule, the secured party may file an appeal within thirty (30) days after the refusal or cancellation in the Circuit Court of Cole County.

(A) Filing a petition requesting to be allowed to file the document commences the appeal. The petition shall be filed with the court and the secretary of state and shall have the record attached to it. Upon the commencement of an appeal, it shall be advanced on the court docket and heard and decided by the court as soon as possible.

(B) Upon consideration of the petition and other appropriate pleadings, the court may order the secretary of state to file the record or take other action the court considers appropriate, including the entry of orders

affirming, reversing, or otherwise modifying the decision of the secretary of state. The court may order other relief, including equitable relief, as may be appropriate.

(C) The court's final decision may be appealed as in other civil proceedings.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Emergency rule filed Feb. 10, 2003, effective Feb. 20, 2003, expired March 30, 2003. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.100 Deadline to Refuse Filing

PURPOSE: This rule provides a time limit and procedure for refusal.

(1) The secretary of state shall determine whether a reason exists to refuse a Uniform Commercial Code (UCC) record for filing not later than the third business day after receipt and shall index an accepted UCC record within the same time period beginning January 1, 2003.

(2) If the secretary of state finds reasons pursuant to section 400.9-516, RSMo, to refuse a UCC record, the secretary of state shall return the record, if written, to the remitter and may refund or credit the filing fee. The secretary of state shall send a notice that contains the date and time the record would have been filed had it been accepted for filing and a brief description of the reason for refusal to accept the record. The notice shall be sent to the address indicated in Section B of the UCC-1, 3, and 11 forms available at www.sos.state.mo.us, the acknowledgement address, no later than the third business day after the determination to refuse acceptance of the record beginning January 1, 2003. A refund, if made, will be sent to the same address under separate cover.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.105 Acknowledgements

PURPOSE: This rule provides the duties of the filing officer when a document is accepted.

(1) The filing officer shall send to a filer an image of the record of the Uniform Commercial Code (UCC) document showing the file

number assigned to it and the date and time of the filing, if there is no reason for refusal of the document, and the filer has requested an image as indicated in Box B of the National Form. A notice or acknowledgment shall be transmitted to the remitter electronically or by other means prescribed by the Office of the Secretary of State and the filer shall be responsible for the record's accuracy for filings tendered by online access.

(2) The acknowledgment shall show the debtor name and address as it was recorded. The filer shall be responsible for verifying that the information was recorded accurately. If an input error is detected, the filer shall notify the filing office within thirty (30) days of the date of filing and the record will be corrected. If the filer communicates no objection to the filing officer within thirty (30) days, the record shall be deemed identical to the filing submitted.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.110 Filing Office Data Entry

PURPOSE: This rule specifies procedures for the filing office.

(1) The filing office shall enter information from a Uniform Commercial Code (UCC) record presented for filing into the filing system database exactly as it appears on the record and in accordance with the designations given by the filer.

(2) The name fields in the UCC database are fixed in length. Any name that exceeds the fixed length shall be entered as submitted to the filing office, up to the maximum length allowed by the data entry field.

(3) A filing must designate whether a name is a name of an individual or an organization. The filing shall designate the first, middle, last name and any appropriate suffix for the names of individuals. The following rules apply to the data entry of debtor names:

(A) Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name;

(B) For individual names, the form designates separate fields for first, middle and last names and any suffix. The filing officer

enters the names into the first, middle and last name and suffix fields in the UCC information management system exactly as set forth on the UCC document. A filer must place the name of a debtor with a single name (e.g., "Cher") in the last name field. The filing officer assumes no responsibility for accurate designation of the components of a name, but will accurately enter the data in accordance with the filer's designations;

(C) The filing office requires the use of forms that designate separate fields for individual and organization names and, for individual names, separate fields for first, middle, last names and any suffix. Such forms diminish the possibility of filing office error and help assure that filers' expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failure to transmit names accurately to the filing office may cause filings to be ineffective. All UCC documents transmitted in a method authorized by the secretary of state will require the use of designated name fields;

(D) Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be provided by the filer. When a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears; and

(E) Suffixes that indicate titles of lineage, such as "senior," "junior," "I," "II," and "III," may be provided by the filers and will be entered in the UCC information management system in the appropriate field designated for name suffixes exactly as it appears.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.120 Status of Parties upon Filing Initial Financing Statement

PURPOSE: This rule provides the status of parties upon filing initial financing statement.

(1) Each financing statement has a status of active or inactive denoted in the information management system. Active Uniform Commercial Code (UCC) records include all unlapsed records and all lapsed records that have not reached the one (1)-year anniversary of their lapse date. Inactive filings include all lapsed filings that have reached the one (1)-year anniversary of their lapse dates. Upon the filing of an initial financing statement the status of the parties and the status of the financing statement shall be as follows:

(A) Each secured party named on an initial financing statement shall be a secured party of record, except if the UCC record names an assignee, the assignor shall not be a secured party of record and the assignee shall be the secured party of record;

(B) The status of a debtor named on the record shall be active and shall continue as active until one (1) year after the financing statement lapses;

(C) The status of the financing statement shall be active and shall continue as active until one (1) year after its lapse date. A lapse date shall be calculated, five (5) years from the file date of initial financing statement;

(D) If the initial financing statement is filed with respect to a public financing transaction or a manufactured-home transaction, the lapse date shall be thirty (30) years from the file date; and

(E) If the initial financing statement is filed with respect to a transmitting utility, there shall be no lapse date and the financing statement remains active until one (1) year after it is terminated with respect to all secured parties of record.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.130 Status of Parties upon Filing an Amendment

PURPOSE: This rule provides for the status of parties upon filing an amendment.

(1) After an amendment is filed the status of the parties and the status of the financing statement shall be as follows:

(A) An amendment that amends only the collateral description or one (1) or more addresses shall not affect the status of any debtor or secured party. If an amendment is authorized by less than all of the secured parties, or in the case of an amendment that adds collateral, less than all of the debtors, the amendment affects only the interests of each authorizing secured party or debtor;

(B) An amendment that changes a debtor's name shall not affect the status of any debtor or secured party, except that the related initial financing statement and all Uniform Commercial Code (UCC) records that identify the initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name shall reveal the initial financing statement and related UCC records. Such an amendment

affects only the rights of its authorizing secured party;

(C) An amendment that changes the name of a secured party shall not affect the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record;

(D) An amendment that adds a new debtor name shall not affect the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party authorizing the statement of amendment;

(E) An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement;

(F) An amendment that deletes a debtor shall not affect the status of any party to the financing statement, even if the amendment purports to delete all debtors;

(G) An amendment that deletes a secured party of record shall not affect the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record; and

(H) An amendment shall not affect the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.140 Status of Party upon Filing an Assignment

PURPOSE: This rule provides for the status of parties upon filing an assignment.

(1) An assignment shall not affect the status of the financing statement or the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.150 Status of Party upon Filing a Continuation

PURPOSE: This rule provides for the status of parties upon filing a continuation.

(1) Upon the timely filing of a continuation as prescribed in section 400.9-515, RSMo, by any secured party of record; the lapse date of the financing statement shall be postponed for five (5) years.

(2) The filing of a continuation shall not affect the status of any party to the financing statement.

(3) Upon the timely filing of a continuation statement, the status of the financing statement remains active and does not lapse.

(4) If there is not a timely filing of a continuation, with respect to a financing statement, the financing statement lapses on its lapse date and the filing office takes no action. On the first year anniversary of the lapse date, the financing statement is rendered inactive and the financing statement shall no longer be made available to a searcher unless the searcher requests inactive statements and the financing statement is still retrievable by the information management system.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.160 Status of Parties upon Filing a Termination

PURPOSE: This rule provides for the status of parties upon filing a termination.

(1) The filing of a termination shall not affect the status of any party to the financing statement.

(2) A termination shall not affect the status of the financing statement. The financing statement shall remain active in the information management system until one (1) year after it lapses. If the termination relates to a financing statement against a transmitting utility, the financing statement shall become inactive one (1) year after it is terminated with respect to all secured parties of record.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*



15 CSR 30-90.170 Status of Parties upon Filing a Correction Statement

PURPOSE: This rule provides for the status of parties upon filing a correction statement.

- (1) The filing of a correction statement shall not affect the status of any party to the financing statement.
- (2) A correction statement shall not affect the status of the financing statement.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.180 Time Limit for Filing a Continuation Statement

PURPOSE: This rule sets a time limit for filing a continuation statement.

- (1) The filing office may refuse to file a continuation statement that is not filed within the time period provided by section 400.9-516, RSMo, for the proper filing of a continuation statement.
- (2) The first day on which a continuation may be filed is the date of the month corresponding to the date six (6) months preceding the month in which the financing statement would lapse. If there is no such corresponding day, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse.
- (3) The last day on which a continuation may be filed is the date upon which the financing statement lapses.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.190 Errors in Filing

PURPOSE: This rule provides procedure for handling filing office errors.

- (1) The filing office may correct the errors of filing office personnel in the Uniform Commercial Code (UCC) information management system at any time. If the correction occurs after the filing officer has issued a certification date, the filing officer may file a fil-

ing officer statement in the UCC information management system identifying the UCC record to which it relates, the date of the correction, and an explanation of the corrective action taken. The record shall be preserved as long as the record is preserved in the UCC information management system.

- (2) An error by a filer is the responsibility of the filer. The filer may correct the error by filing an amendment. Additionally, a debtor may file a correction statement to indicate that an error may exist in the filing.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.200 Notice of Bankruptcy

PURPOSE: This rule provides procedures following receipt of a notice of bankruptcy.

- (1) The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the Uniform Commercial Code (UCC) information management system. The filing officer shall obey all lawful orders of court served upon the officer.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.201 UCC Information Management System

PURPOSE: This rule provides information about the UCC Information Management System.

- (1) The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements and is maintained for public inspection.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2002.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.202 Non-XML Filing and Search

PURPOSE: This rule establishes non-XML filing and search procedures.

- (1) Direct online filing and search services are available to any person with Internet access to the Uniform Commercial Code (UCC) website. Online filings require payment by credit card, Automated Clearing House (ACH) account number or another specified payment method approved by the secretary of state.
- (2) Initial financing statements and amendments may be filed electronically using the UCC website. A UCC record filed in this manner is subject to all of the provisions of this chapter as if it were a paper document submitted to the filing office.

- (3) Searches performed electronically via the UCC website on a particular debtor name may be obtained at no charge. Images of filings that may be printed from the website are also available at no charge.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.203 XML Records

PURPOSE: This rule establishes policies for the XML records system.

- (1) This state shall use the Extensible Markup Language (XML format), as adopted by the International Association of Commercial Administrators, for electronic transmission of UCC records. At the request of an authorized XML remitter, the filing officer shall identify which versions and releases of the XML format are acceptable to the filing office.

- (2) The implementation guide for the XML format and technical specifications are available online at the International Association of Commercial Administrators' website at www.iaca.org/xml.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.204 Primary Data Elements

PURPOSE: This rule defines the data elements that the Uniform Commercial Code (UCC) information management system will use as primary data elements.

(1) The primary data elements used in the Uniform Commercial Code (UCC) information management system are the following:

(A) Identification numbers.

1. A file number as described identifies each initial financing statement. Identification of the initial financing statement is stamped on written UCC records or otherwise permanently associated with the record maintained for UCC records in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising a record is maintained in the system. The record is identified by the same information assigned to the initial financing statement.

2. A unique filing number assigned by the filing officer identifies a UCC record other than an initial financing statement. In the information management system, records of all UCC records, other than initial financing statements, are linked to the record of their related initial financing statement;

(B) Type of record. The type of UCC record from which data is transferred is identified in the information management system from information supplied by the remitter;

(C) Filing date and filing time. The filing date and filing time of UCC records are stored in the information management system. The calculation of the lapse date of an initial financing statement is based upon the filing date;

(D) Identification of parties. The name and addresses of debtors and secured parties are transferred from UCC records to the UCC information management system using one or more data entry or transmittal techniques;

(E) Status of financing statement. Each financing statement has a status of active or inactive in the information management system;

(F) Page count. The total number of pages in a UCC record is maintained in the information management system; and

(G) Lapse indicator. The information management system uses an indicator to identify whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in subsection (1)(C) of this rule.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. * Original rule filed Sept. 30, 2002, effective March 30, 2003.

*Original authority: 400.9-526, RSMo 2001.

15 CSR 30-90.210 Searches

PURPOSE: This rule details the content of search requests and responsibility of the filing officer in regard to searches.

(1) The filing officer shall maintain a searchable index of all Uniform Commercial Code (UCC) records for public inspection. The index shall allow retrieval of a record by the name of the debtor and by the file number of the initial financing statement, and each filed UCC record relating to the initial financing statement.

(2) A search request must be submitted on the National UCC-11 Information Request form and shall contain the information required by this section. The searcher must provide a separate UCC-11 form for each debtor name to be searched.

(3) Search requests shall contain the following information:

(A) The name of the debtor to be searched, specifying whether the debtor is an individual or an organization. A search request shall be processed using the name in the exact form it is submitted;

(B) The name and address of the person to whom the search report is to be sent must be included on the search request; and

(C) The appropriate fee, payable by a method approved by the filing officer.

(4) Search requests may contain any of the following information:

(A) A request for copies of UCC records identified on the search response; and

(B) A request may include lapsed and/or active records as indicated on the request.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. * Original rule filed Sept. 30, 2002, effective March 30, 2003.

*Original authority: 400.9-526, RSMo 2001.

15 CSR 30-90.220 Search Logic

PURPOSE: This rule explains the method through which the filing officer shall conduct searches.

(1) Search results shall be produced by applying standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search, except with respect to supplemental responses regarding individual debtor names that are not automated. The following guidelines apply to searches:

(A) There is no limit to the number of matches that may be returned in response to the search criteria;

(B) The characters searched are letters “a” through “z” and numbers “0” through “9” and all other characters are disregarded;

(C) No distinction is made between upper and lower case letters;

(D) Punctuation marks, accents and suffixes are disregarded;

(E) Words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded in the search. Such words include, but are not limited to: association, bank, church, college, company, corporation, club, foundation, fund, incorporated, institute, limited, society, syndicate, trust, union, limited partnership, LP, limited liability company, LLC, limited liability partnership, LLP, or like words or abbreviations of the foregoing. These words and abbreviations are set forth in the “Ending Noise Words” list as promulgated and adopted by the International Association of Commercial Administrators (IACA);

(F) The words “a” and “the” at the beginning of the search criteria are disregarded;

(G) All spaces are disregarded;

(H) For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and the first name and no middle name or initial is equated with all middle names and initials. For example, a search request for “John A. Smith” would cause the search to retrieve all filings against all individual debtors with “John” or the initial “J” as the first name, “Smith” as the last name, and with the initial “A” or any name beginning with “A” in the middle name field or no name or initial in the middle name field. Additionally, a search request for “John Smith” (first and last names with no designation in the middle name field), would cause the search to retrieve all filings against individual debtors with “John” or the initial “J” as the first name, “Smith” as the last name and any name or initial or no name or initial in the middle name; and

(I) The word “and” and the symbol “&” are equated with each other.

(2) After using the preceding rules to modify the name of the requested debtor to be



searched, the search results will reveal only active filings unless the search request explicitly states that lapsed filings are to be included in the search results.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.230 Search Reports

PURPOSE: This rule specifies the contents of search reports.

(1) Reports created in response to a search request shall include the following:

(A) Identification of the filing officer and the certification of the search report if requested;

(B) The date the report was generated;

(C) Identification of the name searched;

(D) If requested the certification date and time for which the search is effective;

(E) Identification of each financing statement, that has not lapsed, filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by financing statement file number, and by file date and file time. If requested by the searcher and available on the index, lapsed filings will be identified on the search report;

(F) For each initial financing statement on the report, a listing of all related Uniform Commercial Code (UCC) records filed by the filing officer on or prior to the certification date; and

(G) The number of pages of all UCC records revealed by the search report that may be requested by the searcher.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002, effective March 30, 2003.*

**Original authority: 400.9-526, RSMo 2001.*

15 CSR 30-90.240 Transition Searches

PURPOSE: This rule explains the manner in which searches will be conducted during the transition period.

(1) During the transition period of July 1, 2001 to July 1, 2006, the secretary of state may provide public access to a database that produces search results beyond exact name matches. The supplemental database shall not be considered part of the standard search logic and shall not constitute an official search of the secretary of state.