RA 26-401

SECRETARY OF STATE[721]

Regulatory Analysis

Notice of Intended Action to be published: 721—Chapter 30
"Uniform Commercial Code"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 554.9526
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 554

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

December 1, 2026 10 to 11 a.m.	Via videoconference call: meet.google.com/bgd-sijt-agq

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Secretary of State (SOS) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Carl Dietz
Office of the Secretary of State
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: carl.dietz@sos.iowa.gov

Purpose and Summary

This proposed rulemaking is intended to do the following:

1. Correct an Iowa Code reference in subrule 30.1(2);
2. Remove references to an online-filing character limitation in subrules 30.3(2) and 30.3(4);
3. Replace duplicate catchwords in subrule 30.4(9);
4. Make explicit that an SOS affidavit of wrongful filing (AWF) form must be used and clarify the AWF procedure in subrule 30.4(14); and
5. Remove an inapplicable description in subrule 30.4(15).

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs anticipated as a result of this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

This rulemaking does not create or alter benefits.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no economic impact of the proposed rulemaking.

- **Qualitative description of impact:**

There is no qualitative impact of the proposed rulemaking.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

No costs to the Secretary of State or any other agency are anticipated.

- **Anticipated effect on State revenues:**

No effect on State revenues is anticipated.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

There is no cost difference between adoption of the proposed rulemaking and inaction.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No less costly methods or less intrusive methods exist.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

No alternative methods were considered.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 721—Chapter 30 and adopt the following **new** chapter in lieu thereof:

DIVISION III
UNIFORM COMMERCIAL CODE

CHAPTER 30
UNIFORM COMMERCIAL CODE

721—30.1(554) General provisions.

30.1(1) *Policy statement.* The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC document pursuant to these rules, the filing officer does none of the following:

a. Determine the legal sufficiency or insufficiency of a document.

b. Determine that a security interest in collateral exists or does not exist.

c. Determine that information in the document is correct or incorrect, in whole or in part.

d. Create a presumption that information in the document is correct or incorrect, in whole or in part.

30.1(2) *Definitions.* The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule which are defined in the UCC shall have the respective meanings accorded such terms in the UCC.

"Active" means a UCC record has not reached the one-year anniversary of its lapse date.

"Amendment" means a UCC document that purports to amend the information contained in a financing statement. Amendments include assignments, continuations and terminations.

"Assignment" means an amendment that purports to reflect an assignment of all or a part of a secured party's power to authorize an amendment to a financing statement.

"Continuation" means an amendment that purports to continue the effectiveness of a financing statement.

"Correction statement" means a UCC document that purports to indicate that a financing statement is inaccurate or wrongfully filed.

"File number" means the unique identification number assigned to an initial financing statement by the filing officer for the purpose of identifying the financing statement and UCC documents relating to the financing statement in the filing officer's information management system. The filing number bears no relation to the time of filing and is not an indicator of priority.

"Filing office" and *"filing officer"* mean the office of the secretary of state. The address of the office is Lucas State Office Building, First Floor, 321 East 12th Street, Des Moines, Iowa 50319.

"Financing statement" means a record or records composed of an initial financing statement and any filed record(s) relating to the initial financing statement.

"Inactive" means a UCC record has reached the first anniversary of its lapse date.

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

"Initial financing statement" means a UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by Iowa Code sections 554.9512, 554.9514, and 554.9518.

"Organization" means a legal person who is not an individual as defined above.

"Remitter" means a person who tenders a UCC document to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the document for filing. "Remitter" does not include a person responsible merely for the delivery of the document 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.

"Secured party of record" means, with respect to a financing statement, a person whose name is provided as the name of a secured party or a representative of the secured party in an initial financing statement that has been filed. If an initial financing statement is filed under Iowa Code section 554.9514(1), the assignee named in the initial financing statement is the secured party of record with respect to the financing statement. If an amendment of a financing statement which provides the name of a person as a secured party or a representative of a secured party is filed, the person named in the amendment is a secured party of record. If an amendment is filed under Iowa Code section 554.9514(2), the assignee named in the amendment is a secured party of record. A person remains a secured party of record until the filing of an amendment of the financing statement which deletes the person.

"Termination" means an amendment intended to indicate that the related financing statement has ceased to be effective with respect to the secured party authorizing the termination.

"UCC" means the Uniform Commercial Code as adopted in this state and in effect from time to time.

"UCC document" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement. The word "document" in the term "UCC document" shall not be deemed to refer exclusively to paper or paper-based writings; it being understood that UCC documents may be expressed or transmitted electronically or through media other than such writings. (NOTE: This definition is used for the purpose of these rules only. The use of the term "UCC document" in these rules has no relation to the definition of the term "document" in Iowa Code section 554.9102(1)*"ah."*)

30.1(3) *Singular and plural forms.* Singular nouns shall include the plural form, and plural nouns shall include the singular form, unless the context otherwise requires.

30.1(4) *Place to file.* The filing office is the office for filing UCC documents relating to all types of collateral except for timber to be cut, as-extracted collateral (Iowa Code section 554.9102(1)*"f"*) and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures. Regardless of the nature of the collateral, the filing office is the office for filing all UCC documents where the debtor is a transmitting utility.

30.1(5) *Filing office identification.* In addition to the promulgation of these rules, the filing office will disseminate information of its location, mailing address, telephone and fax numbers, and its internet and other electronic "addresses" through usual and customary means.

a. Online information service. The filing officer offers online information services at sos.iowa.gov.

b. Electronic mail. Electronic mail cannot be used for filing UCC documents or for requesting searches of the records of financing statements.

30.1(6) *Office hours.* Although the filing office maintains regular office hours (8 a.m. to 4:30 p.m. Monday through Friday, except holidays), it receives transmissions electronically and by telefacsimile 24 hours per day, 365 days per year, except for scheduled maintenance and unscheduled interruptions of service. Electronic communications may be retrieved and processed periodically (but no less often than once each day the filing office is open for business) on a batch basis.

30.1(7) *UCC document delivery.* UCC documents 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 document delivered by this method is when delivery of the UCC document is accepted by the filing office (even though the UCC document 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 document delivered by this method is, notwithstanding the time of delivery, the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document 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 document delivered by this method is the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document 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. Telefacsimile delivery to the filing office's fax filing telephone number. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document 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.

In order for delivery of UCC documents by telefacsimile to be accepted, remitter must have a preapproved charge account as provided in 30.1(11)*"d"* or an acceptable credit card as provided by 30.1(11)*"e."*

e. Electronic filing. UCC documents may be transmitted electronically using the XML standard approved by the International Association of Commercial Administrators as described in 30.3(3). UCC documents may also be transmitted electronically through online entry as described in 30.3(4). The file time for a UCC document delivered by this method is the time that the filing office's UCC information management 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.

30.1(8) *Search request delivery.* UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office, except as provided in 30.1(7)*"e."* Requirements concerning search requests are set forth in 30.5(2). UCC search requests upon a debtor named on an initial financing statement may be made by an appropriate indication on the face of the initial financing statement form if the form is entitled to be filed with the standard form fee and the relevant search fee is also tendered with the initial financing statement.

30.1(9) *Approved forms.* Forms for UCC documents that conform to the requirements of this rule will be accepted by the filing office. Other forms will not be accepted by the filing office.

a. Approved forms. Only those forms approved for the relevant UCC document by the International Association of Commercial Administrators (the UCC National Forms) will be acceptable. Copies of these forms are available on the secretary of state's website at www.sos.iowa.gov or by request to the secretary of state's office.

NOTE: The debtor's taxpayer identification number (TAX ID #), social security number (SSN), and employer identification number (EIN) are not required, and will be readily available to the public if entered on UCC documents.

b. Form—UCC search. The information request form approved by the International Association of Commercial Administrators will be acceptable. Other request forms will also be acceptable, provided they contain the information required by 30.5(2).

c. Electronic filings. A UCC document transmitted electronically pursuant to the International Association of Commercial Administrators' XML standard and the procedures set forth in 30.3(3) or pursuant to online data entry procedures set forth in 30.3(4) will be acceptable.

30.1(10) *Filing fees.*

a. Filing fee. The fee for filing and indexing a UCC document of one or two pages communicated on paper or in a paper-based format (including faxes) is $10. If there are additional pages, the fee is $20. The fee for filing and indexing a UCC document communicated using a medium authorized by these rules that is other than on paper or in a paper-based format shall be $5.

b. UCC search fee. The fee for a UCC search request is $5.

c. UCC search—copies. The fee for paper copies of UCC documents is $1 per page.

30.1(11) *Methods of payment.* Filing fees and fees for public records services rendered by the secretary of state may be paid to the secretary of state by the following methods.

a. Cash. The filing officer discourages cash payment unless made in person to the cashier at the filing office.

b. Checks. Checks made payable to the filing office, including checks in an amount to be filled in by a filing officer but not to exceed a particular amount, will be accepted for payment if they are cashier's checks or certified checks drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office.

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. Accounts receivable. Payment for services shall be in accordance with 721—2.3(17A).

e. Credit card. The filing office may accept payments using credit cards issued by approved credit card issuers.

30.1(12) *Overpayment and underpayment policies.*

a. Overpayment. The filing officer shall refund the amount of an overpayment exceeding $10 to the remitter. The filing officer shall refund an overpayment of $10 or less only upon the written request of the remitter.

b. Underpayment. Upon receipt of a document with an insufficient fee, the filing officer shall return the document to the remitter as provided in 30.2(5). A refund of a partial payment may be included with the document or delivered under separate cover.

30.1(13) *Public records services.* Public records services are provided on a nondiscriminatory basis to any member of the public on the terms described in these rules. The following methods are available for obtaining copies of UCC documents and copies of data from the UCC information management system.

a. Individually identified documents. Copies of individually identified UCC documents are available in the following forms.

(1) Paper.

(2) PDF files.

b. Bulk copies of documents. Bulk copies of UCC documents are available in PDF format via download from the office.

c. Data from the information management system. A list of available data elements from the UCC information management system and the file layout of the data elements are available from the filing officer upon request. Data from the information management system is available as follows.

(1) Full extract. A bulk data extract of information from the UCC information management system is available on a weekly basis.

(2) Format. Extracts from the UCC information management system are available via downloads from the filing office.

d. Direct online services. Online services make UCC data and images available.

30.1(14) *Fees for public records services.* Fees for public records services are established as follows.

a. Paper copies of individual documents.

(1) Regular delivery method—$1 per page.

(2) Fax delivery—$2 per page.

b. Bulk copies of documents.

(1) Subscription basis—4 cents per page plus $25 per week.

(2) Document image master file—4 cents per document.

c. Data from the information management system—full extract. Download—$300.

30.1(15) *New practices and technologies.* The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 filing data by means of electronic, voice, optical or other technologies and, without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper-based system, a non-paper-based Article 9 filing system utilizing any of such technologies.

721—30.2(554) Acceptance and refusal of documents.

30.2(1) *Duty to file.* Provided that there is no ground to refuse acceptance of the document under 30.2(2), a UCC document is filed upon its receipt by the filing officer with the filing fee, and the filing officer shall promptly assign a file number to the UCC document and index it in the information management system.

30.2(2) *Grounds for refusal of UCC document.* The following grounds are the sole grounds for the filing officer's refusal to accept a UCC document for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper: it requires a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases.

a. Debtor name and address. An initial financing statement or an amendment that purports to add a debtor shall be refused if the document fails to include a legible debtor name and address for a debtor, in the case of an initial financing statement, or for the debtor purporting to be added in the case of such an amendment. If the document contains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the debtor name(s) that was (were) indexed, and a statement that debtors with illegible or missing names or addresses were not indexed.

b. Additional debtor identification. An initial financing statement or an amendment adding one or more debtors shall be refused if the document fails to identify whether each named debtor (or each added debtor in the case of such an amendment) is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization, the document does not include in legible form the organization's type, state of organization and organization number (if it has one) or a statement that it does not have one.

c. Secured party name and address. An initial financing statement, an amendment purporting to add a secured party of record, or an assignment shall be refused if the document fails to include a legible secured party (or assignee in the case of an assignment) name and address. If the document contains more than one secured party (or assignee) name or address, and some names or addresses are missing or illegible, the filing officer shall refuse the UCC document.

d. Lack of identification of initial financing statement. A UCC document other than an initial financing statement shall be refused if the document does not provide a file number of a financing statement in the UCC information management system that has not lapsed.

e. Identifying information. A UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by Iowa Code sections 554.9512, 554.9514, and 554.9518, is an initial financing statement.

f. Timeliness of continuation. A continuation shall be refused if it is not received during the six-month period concluding on the day upon which the related financing statement would lapse.

(1) First day permitted. The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date during the sixth month preceding the month in which the financing statement would lapse, 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, although filing by certain means may not be possible on such date if the filing office is not open on such date.

(2) Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses.

g. Fee. A document shall be refused if the document is accompanied by less than the full filing fee tendered by a method described in 30.1(11).

h. Means of communication. UCC documents communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC documents shall be refused.

i. XML refusal. UCC documents communicated by XML may be refused as provided in 30.3(3) for reasons not applicable to other communications methods.

30.2(3) *Grounds not warranting refusal.* The sole grounds for the filing officer's refusal to accept a UCC document for filing are enumerated in 30.2(2). The following are examples of defects that do not constitute grounds for refusal to accept a document. They are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a UCC document for filing.

a. Errors. The UCC document contains or appears to contain a misspelling or other apparently erroneous information.

b. Incorrect names.

(1) The UCC document appears to identify a debtor incorrectly.

(2) The UCC document appears to identify a secured party or a secured party of record incorrectly.

c. Extraneous information. The UCC document contains additional or extraneous information of any kind.

d. Insufficient information. The UCC document contains less than the information required by Article 9 of the UCC, provided that the document contains the information required in 30.2(2)*"a"* through 30.2(2)*"e."*

NOTE: The debtor's taxpayer identification number (TAX ID #), social security number (SSN), and employer identification number (EIN) are not required, and may be readily available to the public if entered on UCC documents.

e. Collateral description. The UCC document incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.

f. Excess fee. The document is accompanied by funds in excess of the full filing fee.

30.2(4) *Time limit.* The filing officer shall determine whether criteria exist to refuse acceptance of a UCC document for filing not later than the second business day after the date the document would have been filed had it been accepted for filing and shall index a UCC document not so refused within the same time period.

30.2(5) *Procedure upon refusal.* If the filing officer finds grounds under 30.2(2) to refuse acceptance of a UCC document, the filing officer shall return the document, if written, to the remitter and will refund the filing fee. The filing office shall send a notice that contains the date and time the document would have been filed had it been accepted for filing (unless such date and time are stamped on the document) and a brief description of the reason for refusal to accept the document under 30.2(2). The notice shall be sent to a secured party or the remitter as provided in 30.4(2)*"e"* no later than the second business day after the filing office receives the document. The refund may be delivered with the notice or under separate cover.

30.2(6) *Acknowledgment.*

a. At the request of a filer or remitter who submits a paper or paper-based UCC document, the filing officer shall either:

(1) Send to said filer or remitter an image of the record of the UCC document showing the file number assigned to it and the date and time of filing; or

(2) If such filer or remitter provides a copy of such UCC document, note the file number and the date and time of filing on the copy and deliver or send it to said filer or remitter.

b. For UCC documents not filed in paper or paper-based form, the filing officer shall communicate to the filer or remitter the information in the filed document, the file number and the date and time of filing.

30.2(7) *Other notices.* 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 UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. THE RESPONSIBILITY FOR THE LEGAL EFFECTIVENESS OF FILING RESTS WITH FILERS AND REMITTERS AND THE FILING OFFICE BEARS NO RESPONSIBILITY FOR SUCH EFFECTIVENESS.

30.2(8) *Refusal errors.* If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC document that was refused for filing should not have been refused under 30.2(2), the filing officer will file the UCC document as provided in these rules with a filing date and time assigned when such filing would have occurred had it not been wrongfully rejected. The filing officer will also file a statement (and such demonstration of error shall constitute the secured party's authorization to do so) that states that the effective date and time of filing is the date and time the UCC document was originally tendered for filing, and that sets forth such date and time.

721—30.3(554) UCC information management system.

30.3(1) *Policy statement.* 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 which are active. This rule describes the UCC information management system.

30.3(2) *General provisions—UCC information management system.*

a. Primary data elements. The primary data elements used in the UCC information management system are the following.

(1) Identification numbers.

1. Each initial financing statement is identified by its file number as defined in 30.1(2). Identification of the initial financing statement is stamped on written UCC documents or otherwise permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.

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

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

(3) Filing date and filing time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

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

(5) Status of financing statement. In the information management system, each financing statement has a status of active or inactive.

(6) Page count. The total number of pages in a UCC document is maintained in the information management system.

(7) Lapse indicator. An indicator is maintained by which the information management system identifies whether a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in 30.4(5).

b. Names of debtors who are individuals. For the purpose of this paragraph, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC document who is an individual.

(1) Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer should 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 the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

(2) Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, as provided in 30.4(8), 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.

(3) Titles and suffixes after names. Titles or indications of status such as "M.D." and "esquire" are not part of an individual's name and should not be provided by filers in UCC documents. Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III," are

appropriate. In either case, as provided in 30.4(8), the suffixes will be entered into the information management system exactly as received.

(4) Truncation—individual names. Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows.

1. First name: 50 characters.
2. Middle name: 50 characters.
3. Last name: 50 characters.
4. Suffix: 15 characters.

c. Names of debtors that are organizations. This rule applies to the name of an organization that is a debtor or a secured party on a UCC document.

(1) Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

(2) Truncation—organization names. The organization name field in the UCC database is fixed in length. The maximum length is 100 characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

d. Estates. Although they are not human beings, estates are treated as if the decedent were the debtor under 30.3(2)*"b."*

e. Trusts. If the trust is named in its organic document(s), its full legal name, as set forth in such document(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC document that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor, and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If other information is included in, or as part of, the name of the debtor, the information will be entered as if it were a part of the name under 30.4(8) and 30.4(9).

f. Initial financing statement. Upon the filing of an initial financing statement, the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC document names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

(2) Status of debtor. The status of a debtor named on the document shall be active and shall continue as active until one year after the financing statement lapses.

(3) Status of financing statement. The status of the financing statement shall be active. A lapse date shall be calculated five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be 30 years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

g. Amendment. Upon the filing of an amendment, the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party and debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:

1. Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If a statement of 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 statement affects only the interests of each authorizing secured party (or debtor).

2. Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC documents that include an identification of such 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 will reveal such initial financing statement and such related UCC documents. Such a statement of amendment affects only the rights of its authorizing secured party(ies).

3. Secured party name change. An amendment that changes the name of a secured party has no effect on 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.

4. Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except that 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(ies) authorizing the statement of amendment.

5. Addition of a secured party. 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.

6. Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

7. Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.

(2) Status of financing statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

h. Assignment of powers of secured party of record.

(1) Status of the parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

(2) Status of financing statement. An assignment shall have no effect upon the status of the financing statement.

i. Continuation.

(1) Continuation of lapse date. Upon the timely filing of one or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years.

(2) Status of parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement.

(3) Status of financing statement. Upon the filing of a continuation statement, the status of the financing statement remains active.

j. Termination.

(1) Status of parties. The filing of a termination shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.

k. Correction statement.

(1) Status of parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A correction statement shall have no effect upon the status of the financing statement.

l. Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date, but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system.

30.3(3) *XML documents.*

a. Definitions. For the purpose of rules relating to the electronic transmission of UCC documents, the following terms shall have the meaning provided in this rule.

"XML" means extensible markup language.

"XML document" means a UCC document transmitted from a remitter to the filing officer by XML techniques authorized under this rule.

b. XML authorized. A remitter may be authorized for XML transmission upon the written authorization of the filing officer. A request to be authorized to transmit XML documents shall be in writing and delivered to the filing officer. Upon receipt of a request for authorization, the filing officer shall provide the remitter with necessary information on the requirements for XML transmission, including format, address for transmission, and other necessary specifications.

(1) The filing officer shall authorize a remitter to engage in XML transmissions if:

1. The remitter holds an account for the billing of fees by the filing officer,

2. The remitter has entered into an agreement, in form and substance satisfactory to the filing officer, with the filing office, and

3. The filing officer determines, after appropriate testing of transmissions in accordance with the filing officer's specifications, that the remitter is capable of transmitting XML documents in a manner that permits the filing officer to receive, index, and retrieve the XML documents.

(2) The filing officer may suspend or revoke the authorization when, in the filing officer's sole discretion, it is determined that a remitter's transmissions are incompatible with the filing officer's XML system.

c. IACA standard adopted. The XML format for filing a UCC document, as adopted by the International Association of Commercial Administrators and in effect from time to time, is adopted in this state as a format for electronic transmission of UCC documents, although the filing officer shall, periodically and at the request of an authorized XML remitter, identify which versions and releases of the XML format are then in use by and acceptable to the filing office.

d. Implementation guide. The filing office publishes an implementation guide that prescribes in further detail the use of the XML format in the UCC filing system. The guide is available upon request made in writing to the filing office at its mailing address set forth in 30.1(2) above.

30.3(4) *Direct online filing and search procedures.*

a. Direct online filing and search services are available to any person with internet access to the secretary of state website: sos.iowa.gov.

b. Document filing procedures. Initial financing statements and amendments may be filed via the secretary of state website, which allows for entry of information required on the approved UCC forms specified in 30.1(9). A record which is created by the filer in this manner is subject to all of the provisions of the UCC, as if it were a paper document submitted to the filing office. However, attachments may not be submitted. Filing instructions are provided on the website.

c. Search request procedures. A certified search naming a particular debtor may be obtained via the secretary of state website: sos.iowa.gov. A request that is created by the filer in this manner is subject to all of the provisions of the UCC as if it were a paper search request submitted to the filing office. Images of individual financing statements may be obtained online. Instructions are provided on the website.

721—30.4(554) Filing and data entry procedures.

30.4(1) *Policy statement.* This rule describes the filing procedures of the filing officer upon and after receipt of a UCC document. Except as provided in these rules, data are transferred from a UCC document to the information management system exactly as the data are set forth in the document. Personnel who create reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind.

30.4(2) *Document indexing and other procedures before archiving.*

a. Date and time stamp. The date and time of receipt are noted on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system.

b. Cash management. Transactions necessary to payment of the filing fee are performed.

c. Document review. The filing office determines whether a ground exists to refuse the document under 30.2(2).

d. File stamp. If there is no ground for refusal of the document, the document is stamped or deemed filed and a unique identification number and the filing date are stamped on the document or permanently associated with the record of the document maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the document was received.

e. Correspondence.

(1) Acknowledgment of filing. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided in 30.2(6) and communicated as follows:

1. UCC document tendered in person. Acknowledgment of filing is given to the remitter by personal delivery or sent by regular mail to the remitter or the secured party (or the first secured party if there is more than one) named on the UCC document.

2. UCC document tendered by courier or postal service delivery. Acknowledgment of filing is sent by regular mail to the remitter or to the secured party (or the first secured party if there is more than one).

3. UCC document tendered by telefacsimile delivery. Acknowledgment of filing is sent by regular mail (or, if requested, by telefacsimile) to the remitter or to the secured party (or the first secured party if there is more than one).

4. UCC document transmitted electronically using XML standard. Acknowledgment of filing is returned electronically.

5. UCC document transmitted by online entry. Acknowledgment of filing is returned electronically.

(2) Notice of refusal. If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in 30.2(5) and communicated as follows:

1. UCC document tendered in person. Notice of refusal is given to the remitter by personal delivery or sent by regular mail to the remitter or the secured party (or the first secured party if there is more than one) named on the UCC document.

2. UCC document tendered by courier or postal service delivery. Notice of refusal is sent by regular mail to the remitter or to the secured party (or the first secured party if there is more than one).

3. UCC document tendered by telefacsimile delivery. Notice of refusal is sent by regular mail (or, if requested, by telefacsimile) to the remitter or to the secured party (or the first secured party if there is more than one).

4. UCC document transmitted electronically using XML standard. Notice of refusal is returned electronically.

5. UCC document transmitted by online entry. Notice of refusal is returned electronically.

f. Data entry. Data entry and indexing functions are performed as described in this rule.

30.4(3) *Filing date.* The filing date of a UCC document is the date the UCC document is received with the proper filing fee if the filing office is open to the public on that date or, if the filing office is not open on that date, the filing date is the next date the filing office is open, except that,

in each case, UCC documents received after 4:30 p.m. shall be deemed received on the next date the filing office is open. The filing officer may perform any duty relating to the document on the filing date or on a date after the filing date.

30.4(4) *Filing time.* The filing time of a UCC document is determined as provided in 30.1(7).

30.4(5) *Lapse date and time.* A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if a timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a public-finance transaction or a manufactured-home transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be March 1 in the fifth year following the year of the filing date.

30.4(6) *Errors of the filing officer.* The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a UCC search report with a certification date that includes the filing date of a corrected document, the filing officer shall place a record relating to the relevant initial financing statement in the UCC information management system stating the date of the correction and explaining the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

30.4(7) *Errors other than filing office errors.* An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by a correction statement.

30.4(8) *Data entry of names—designated fields.* A filing should designate whether a name is that of an individual or an organization and, if an individual, also designate the first, middle and last names and any suffix. With regard to designated fields, the following shall apply.

a. Organization names. 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. Individual names. On the form that 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 form.

c. Designated fields required. The filing office specifies in 30.1(9) the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Such forms diminish the possibility of filing office error and help ensure that filers' expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the filing office may cause filings to be ineffective. All documents submitted through direct data entry or through XML will be required to use designated name fields.

30.4(9) *Refusal for failure to specify individual or organization.* A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization will be refused by the filing office.

30.4(10) *Verification of data entry.* The filing officer uses the following procedures to verify the accuracy of data entry tasks. Double key entry is employed for data entered in the following fields.

a. Time and date of filing.

b. Document identification number.

c. Document type.

d. Debtor name fields.

e. City address of debtor.

30.4(11) *Initial financing statement.* A new record bearing the file number of the financing statement and the date and time of filing is opened in the UCC information management system for each initial financing statement.

a. The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each debtor name and city are included in the searchable index and not removed until one year after the financing statement lapses.

b. The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.

c. The record is indexed according to the name of the debtor(s) and is maintained for public inspection.

d. A lapse date is established for the financing statement and the lapse date is maintained as part of the record, unless the initial financing statement indicates that it is filed against a transmitting utility.

30.4(12) *Amendment.* A record is created for the amendment that bears the file number for the amendment and the date and time of filing.

a. The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.

b. The name and address of each additional debtor and secured party are entered into the UCC information management system in the record of the financing statement. Each additional debtor name and city are added to the searchable index and not removed until one year after the financing statement lapses.

c. If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record.

30.4(13) *Correction statement.* A record is created for the correction statement that bears the file number for the correction statement and the date and time of filing. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved.

30.4(14) *Affidavit of wrongful filing.* Only an affidavit of wrongful filing submitted on the form issued by the filing office will be acceptable. Assessment is made, notices are sent, and records determined to be wrongful are terminated and reinstated in accordance with Iowa Code section 554.9513A only by the filing office.

30.4(15) *Archives—general.*

a. Paper UCC documents.

(1) Storage. Paper UCC documents are scanned into the UCC information management system.

(2) Retention. Paper is not retained.

b. Databases. The UCC information management system is backed up every business day.

30.4(16) *Archives—data retention.* Data in the UCC information management system relating to financing statements that have lapsed is retained for at least five years from the date of lapse.

30.4(17) *Archival searches.* Archival searches may be available through arrangements with the filing office in its sole discretion.

30.4(18) *Notice of bankruptcy.* The filing officer takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Accordingly, financing statements will lapse as scheduled unless properly continued.

721—30.5(554) Search requests and reports.

30.5(1) *General requirements.* The filing officer maintains for public inspection a searchable index of all records of active UCC documents that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates and which associates with one another each initial financing statement and each filed UCC document relating to the initial financing statement.

30.5(2) *Search requests.* Search requests shall contain the following information.

a. Name searched. A search request should set forth the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization.

(1) Individual. The full name of an individual shall consist of a first name, a middle name or initial, and a last name, although a search request may be submitted with no middle name or initial and, if only a single name is presented (e.g., Cher), it will be treated as a last name, and a search will disclose only those UCC documents where only the last name was entered.

(2) Organization. The full name of an organization shall consist of the name of the organization as stated on the articles of incorporation or other organic documents in the state or country of organization or the name variant desired to be searched. A search request will be processed using the name in the exact form it is submitted.

b. Requesting party. The name and address of the person to whom the search report is to be sent, if applicable.

c. Fee. The appropriate fee shall be enclosed, if applicable, payable by a method described in 30.1(11).

d. Search request with filing. If a filer requests a search at the time a UCC document is filed, by checking the box on the form set forth in 30.1(9)*"a,"* the name to be searched will be the debtor name as set forth on the form, the requesting party will be the remitter of the UCC document, and the search request will be deemed to request a search that would be effective to retrieve all financing statements filed on or prior to the date the UCC document is filed.

30.5(3) *Optional information.* A UCC search request may contain any of the following information.

a. A request that copies of documents referred to in the report be included with the report. The request may limit the copies requested by limiting them by reference to the address of the debtor, the city of the debtor, the date of filing (or a range of filing dates) or the identity of the secured party(ies) of record on the financing statements located by the related search.

b. A request that the search of a debtor name be limited to debtors in a particular city. A report created by the filing officer in response to such a request shall contain the following statement:

"A search limited to a particular city may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search."

c. Instructions on the mode of delivery requested, if other than by ordinary mail, which request will be honored if the requested mode is then made available by the filing office.

30.5(4) *Rules applied to search requests.* Search results are created by applying standardized search logic to the name presented to the filing officer by the person requesting the search. Human judgment does not play a role in determining the results of the search. Only the following rules are applied to conduct searches.

a. There is no limit to the number of matches that may be returned in response to the search criteria.

b. No distinction is made between uppercase and lowercase letters.

c. Punctuation marks and accents are disregarded.

d. Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the "Ending Noise Words" list as promulgated by the International Association of Commercial Administrators, and adopted from time to time, are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing).

e. The word "the" at the beginning of the search criteria is disregarded.

f. All spaces are disregarded.

g. For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, 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" 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. If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

h. After taking the preceding rules into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in active financing statements in the UCC information management system, the search will reveal only names of debtors that are contained in active financing statements and, as modified, exactly match the name requested, as modified.

30.5(5) *Search responses.* Reports created in response to a search request shall include the following.

a. Filing officer. Identification of the filing officer and the certification of the filing officer required by the UCC.

b. Report date. The date the report was generated.

c. Name searched. Identification of the name searched.

d. Certification date. The certification date applicable to the report; i.e., the date and time through which the search is effective and reveals all relevant UCC documents filed on or prior to that date.

e. Identification of initial financing statements. Identification of each unlapsed (or active, if requested) initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.

f. History of financing statement. For each initial financing statement on the report, a listing of all related UCC documents filed by the filing officer on or prior to the certification date.

g. Copies. Copies of all UCC documents revealed by the search and requested by the searcher.

721—30.6(554) Other notices of liens.

30.6(1) Policy statement. The purpose of this rule is to describe records of liens maintained by the filing office created pursuant to statutes other than the UCC that are treated by the filing officer in a manner substantially similar to UCC documents and that are included on request with the reports described in 30.5(4) and 30.5(5).

30.6(2) Records of liens maintained by the filing office which are created pursuant to statutes other than the UCC are maintained in the information management system and indexed and searched in the same manner under these rules.

These rules are intended to implement Iowa Code chapters 17A and 554.