

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 that 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 identifying information 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 that 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 2000 Iowa Acts, chapter 1149, sections 83, 85, and 89.

“*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 2000 Iowa Acts, chapter 1149, section 85, subsection 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 2000 Iowa Acts, chapter 1149, section 85, subsection 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 2000 Iowa Acts, chapter 1149, section 2, subsection 1, paragraph “ad.”)

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 (2000 Iowa Acts, chapter 1149, section 2, subsection 1, paragraph “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. On-line information service. The filing officer offers on-line information services at <http://www.sos.state.ia.us>.

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 Corporation Administrators as described in 30.3(3). UCC documents may also be transmitted electronically through on-line 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 Corporation Administrators (the UCC National Forms) will be acceptable. Copies of these forms are available on the secretary of state’s Web site at <http://www.sos.state.ia.us> 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 Corporation 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 Corporation Administrators’ XML standard and the procedures set forth in 30.3(3) or pursuant to on-line 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. But the fee for filing and indexing a UCC document communicated by a medium authorized by these rules which 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 communicated verbally, on paper or in a paper-based format 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) TIF files.

b. Bulk copies of documents. Bulk copies of UCC documents are available in a TIF format on CD-ROM or DVD.

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 or CD-ROM.

d. Direct on-line services. On-line 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 (delivered on CD-ROM).
- (2) Document image master file—4 cents per document.

c. Data from the information management system—full extract.

- (1) Download—\$300.
- (2) CD-ROM—\$325.

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.