

By: Fraser

S.B. No. 1699

A BILL TO BE ENTITLED

AN ACT

relating to consistency among certain secretary of state filings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 9.525(a) and (b), Business & Commerce Code, are amended to read as follows:

(a) Except as otherwise provided in Subsections (b), (e), and (f), the fee for filing and indexing a record under this subchapter [~~, other than an initial financing statement of the kind described in Subsection (b),~~] is:

(1) \$15 if the record is communicated in writing and consists of one or two pages;

(2) \$30 if the record is communicated in writing and consists of more than two pages; and

(3) \$5 if the record is communicated by another medium authorized by filing-office rule.

(b) Except as otherwise provided in Subsection (e), the fee for filing and indexing an initial financing statement of the following kinds is:

(1) \$60 if the financing statement indicates that it is filed in connection with a public-finance transaction; [~~and~~]

(2) \$60 if the financing statement indicates that it is filed in connection with a manufactured-home transaction; and

(3) \$60 if the debtor is a transmitting utility.

SECTION 2. Section 9.526(b), Business & Commerce Code, is

1 amended to read as follows:

2 (b) To keep the filing-office rules and practices of the
3 filing office in harmony with the rules and practices of filing
4 offices in other jurisdictions that enact substantially this
5 subchapter, and to keep the technology used by the filing office
6 compatible with the technology used by filing offices in other
7 jurisdictions that enact substantially this subchapter, the
8 Secretary of State, so far as is consistent with the purposes,
9 policies, and provisions of this chapter, in adopting, amending,
10 and repealing filing-office rules, shall:

11 (1) consult with filing offices in other jurisdictions
12 that enact substantially this subchapter;

13 (2) consult the most recent version of the Model
14 Administrative Rules promulgated by the International Association
15 of Commercial [~~Corporation~~] Administrators or any successor
16 organization; and

17 (3) take into consideration the rules and practices
18 of, and the technology used by, filing offices in other
19 jurisdictions that enact substantially this subchapter.

20 SECTION 3. Section 9.527, Business & Commerce Code, is
21 amended to read as follows:

22 Sec. 9.527. DUTY TO REPORT. The Secretary of State shall
23 report before January 1 of each odd-numbered year to the
24 Legislature on the operation of the filing office. The report must
25 contain a statement of the extent to which:

26 (1) the filing-office rules are not in harmony with
27 the rules of filing offices in other jurisdictions that enact

1 substantially this subchapter and the reasons for these variations;
2 and

3 (2) the filing-office rules are not in harmony with
4 the most recent version of the Model Administrative Rules
5 promulgated by the International Association of Commercial
6 [~~Corporation~~] Administrators, or any successor organization, and
7 the reasons for these variations.

8 SECTION 4. Section 261.009(b), Business & Commerce Code, is
9 amended to read as follows:

10 (b) The amount of the fee for a certificate under this
11 section is[+]

12 [~~(1) \$10, if~~] the same as the amount of the fee
13 provided by Section 9.525(d) [~~request for the certificate is in the~~
14 ~~standard form prescribed by the secretary of state; or~~

15 [~~(2) \$25, if the request is not in the standard form~~].

16 SECTION 5. SECTION 261.010(b), Business & Commerce Code, is
17 amended to read as follows:

18 (b) The fee for a copy under this section is in the amount
19 provided by Section 405.031, Government Code [~~\$1.50 per page, but~~
20 ~~may not be less than \$5 or more than \$100 for each request~~
21 ~~concerning a particular utility~~].

22 SECTION 6. Section 128.031(b), Agriculture Code, is amended
23 to read as follows:

24 (b) The amount of the fee for a certificate under Subsection
25 (a) is the same as the amount of the fee provided by Section
26 9.525(d), Business & Commerce Code [~~shall be established by the~~
27 ~~secretary of state in an amount necessary to cover the cost of~~

1 ~~administering this section].~~

2 SECTION 7. Section 128.032(b), Agriculture Code, is amended
3 to read as follows:

4 (b) The fee for a copy of a notice of claim of lien obtained
5 under Subsection (a) is in the amount provided by Section 405.031,
6 Government Code [~~shall be established by the secretary of state in~~
7 ~~an amount necessary to cover the cost of administering this~~
8 ~~section].~~

9 SECTION 8. Section 188.031(b), Agriculture Code, is amended
10 to read as follows:

11 (b) The amount of the fee for a certificate under Subsection
12 (a) is the same as the amount of the fee provided by Section
13 9.525(d), Business & Commerce Code [~~shall be established by the~~
14 ~~secretary of state in an amount necessary to cover the cost of~~
15 ~~administering this section].~~

16 SECTION 9. Section 188.032(b), Agriculture Code, is amended
17 to read as follows:

18 (b) The fee for a copy of a notice of claim of lien obtained
19 under Subsection (a) is in the amount provided by Section 405.031,
20 Government Code [~~shall be established by the secretary of state in~~
21 ~~an amount necessary to cover the cost of administering this~~
22 ~~section].~~

23 SECTION 10. Section 14.004, Property Code, is amended by
24 amending Subsection (d) and adding Subsection (e) to read as
25 follows:

26 (d) Upon request of any person, the filing officer shall
27 issue his certificate showing whether there is on file, on a [~~the~~

1 date and time specified by the filing office, but not a date earlier
2 than three business days before the date the filing office receives
3 the request [~~hour stated therein~~], any notice of lien or
4 certificate or notice affecting any lien filed under this chapter
5 or filed under the Uniform Federal Tax Lien Registration Act
6 (Subchapter C, Chapter 113, Tax Code) on or after January 1, 1972,
7 naming a particular person, and if a notice or certificate is on
8 file, giving the date and hour of filing of each notice or
9 certificate. The amount of the fee for a certificate is the same as
10 the amount of the fee provided by Section 9.525(d), Business &
11 Commerce Code [~~\$10~~]. Upon request, the filing officer shall
12 furnish a copy of any notice of federal lien. The fee for a copy
13 furnished under this section is in the amount provided by Section
14 405.031, Government Code [~~, or notice or certificate affecting a~~
15 ~~federal lien, for a fee of \$1.50 per page~~].

16 (e) Section 9.523, Business & Commerce Code, applies to a
17 federal lien filed under this chapter.

18 SECTION 11. This Act takes effect September 1, 2009.