

1-1 By: Fraser S.B. No. 1699
1-2 (In the Senate - Filed March 10, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 9, 2009, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 9, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to consistency among certain secretary of state filings.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsections (a) and (b), Section 9.525, Business
1-11 & Commerce Code, are amended to read as follows:

1-12 (a) Except as otherwise provided in Subsections (b), (e),
1-13 and (f), the fee for filing and indexing a record under this
1-14 subchapter [~~, other than an initial financing statement of the kind~~
1-15 ~~described in Subsection (b),~~] is:

1-16 (1) \$15 if the record is communicated in writing and
1-17 consists of one or two pages;

1-18 (2) \$30 if the record is communicated in writing and
1-19 consists of more than two pages; and

1-20 (3) \$5 if the record is communicated by another medium
1-21 authorized by filing-office rule.

1-22 (b) Except as otherwise provided in Subsection (e), the fee
1-23 for filing and indexing an initial financing statement of the
1-24 following kinds is:

1-25 (1) \$60 if the financing statement indicates that it
1-26 is filed in connection with a public-finance transaction; ~~and~~

1-27 (2) \$60 if the financing statement indicates that it
1-28 is filed in connection with a manufactured-home transaction; and

1-29 (3) \$60 if the debtor is a transmitting utility.

1-30 SECTION 2. Subsection (b), Section 9.526, Business &
1-31 Commerce Code, is amended to read as follows:

1-32 (b) To keep the filing-office rules and practices of the
1-33 filing office in harmony with the rules and practices of filing
1-34 offices in other jurisdictions that enact substantially this
1-35 subchapter, and to keep the technology used by the filing office
1-36 compatible with the technology used by filing offices in other
1-37 jurisdictions that enact substantially this subchapter, the
1-38 Secretary of State, so far as is consistent with the purposes,
1-39 policies, and provisions of this chapter, in adopting, amending,
1-40 and repealing filing-office rules, shall:

1-41 (1) consult with filing offices in other jurisdictions
1-42 that enact substantially this subchapter;

1-43 (2) consult the most recent version of the Model
1-44 Administrative Rules promulgated by the International Association
1-45 of Commercial [~~Corporation~~] Administrators or any successor
1-46 organization; and

1-47 (3) take into consideration the rules and practices
1-48 of, and the technology used by, filing offices in other
1-49 jurisdictions that enact substantially this subchapter.

1-50 SECTION 3. Section 9.527, Business & Commerce Code, is
1-51 amended to read as follows:

1-52 Sec. 9.527. DUTY TO REPORT. The Secretary of State shall
1-53 report before January 1 of each odd-numbered year to the
1-54 Legislature on the operation of the filing office. The report must
1-55 contain a statement of the extent to which:

1-56 (1) the filing-office rules are not in harmony with
1-57 the rules of filing offices in other jurisdictions that enact
1-58 substantially this subchapter and the reasons for these variations;
1-59 and

1-60 (2) the filing-office rules are not in harmony with
1-61 the most recent version of the Model Administrative Rules
1-62 promulgated by the International Association of Commercial
1-63 [~~Corporation~~] Administrators, or any successor organization, and
1-64 the reasons for these variations.

2-1 SECTION 4. Subsection (b), Section 261.009, Business &
2-2 Commerce Code, is amended to read as follows:

2-3 (b) The amount of the fee for a certificate under this
2-4 section is[+]

2-5 [~~(1) \$10, if~~] the same as the amount of the fee
2-6 provided by Section 9.525(d) [request for the certificate is in the
2-7 standard form prescribed by the secretary of state, or

2-8 [~~(2) \$25, if the request is not in the standard form~~].

2-9 SECTION 5. Subsection (b), Section 261.010, Business &
2-10 Commerce Code, is amended to read as follows:

2-11 (b) The fee for a copy under this section is in the amount
2-12 provided by Section 405.031, Government Code [~~\$1.50 per page, but~~
2-13 ~~may not be less than \$5 or more than \$100 for each request~~
2-14 ~~concerning a particular utility~~].

2-15 SECTION 6. Subsection (b), Section 128.031, Agriculture
2-16 Code, is amended to read as follows:

2-17 (b) The amount of the fee for a certificate under Subsection
2-18 (a) is the same as the amount of the fee provided by Section
2-19 9.525(d), Business & Commerce Code [~~shall be established by the~~
2-20 ~~secretary of state in an amount necessary to cover the cost of~~
2-21 ~~administering this section~~].

2-22 SECTION 7. Subsection (b), Section 128.032, Agriculture
2-23 Code, is amended to read as follows:

2-24 (b) The fee for a copy of a notice of claim of lien obtained
2-25 under Subsection (a) is in the amount provided by Section 405.031,
2-26 Government Code [~~shall be established by the secretary of state in~~
2-27 ~~an amount necessary to cover the cost of administering this~~
2-28 ~~section~~].

2-29 SECTION 8. Subsection (b), Section 188.031, Agriculture
2-30 Code, is amended to read as follows:

2-31 (b) The amount of the fee for a certificate under Subsection
2-32 (a) is the same as the amount of the fee provided by Section
2-33 9.525(d), Business & Commerce Code [~~shall be established by the~~
2-34 ~~secretary of state in an amount necessary to cover the cost of~~
2-35 ~~administering this section~~].

2-36 SECTION 9. Subsection (b), Section 188.032, Agriculture
2-37 Code, is amended to read as follows:

2-38 (b) The fee for a copy of a notice of claim of lien obtained
2-39 under Subsection (a) is in the amount provided by Section 405.031,
2-40 Government Code [~~shall be established by the secretary of state in~~
2-41 ~~an amount necessary to cover the cost of administering this~~
2-42 ~~section~~].

2-43 SECTION 10. Section 14.004, Property Code, is amended by
2-44 amending Subsection (d) and adding Subsection (e) to read as
2-45 follows:

2-46 (d) Upon request of any person, the filing officer shall
2-47 issue his certificate showing whether there is on file, on a [the]
2-48 date and time specified by the filing office, but not a date earlier
2-49 than three business days before the date the filing office receives
2-50 the request [hour stated therein], any notice of lien or
2-51 certificate or notice affecting any lien filed under this chapter
2-52 or filed under the Uniform Federal Tax Lien Registration Act
2-53 (Subchapter C, Chapter 113, Tax Code) on or after January 1, 1972,
2-54 naming a particular person, and if a notice or certificate is on
2-55 file, giving the date and hour of filing of each notice or
2-56 certificate. The amount of the fee for a certificate is the same as
2-57 the amount of the fee provided by Section 9.525(d), Business &
2-58 Commerce Code [~~\$10~~]. Upon request, the filing officer shall
2-59 furnish a copy of any notice of federal lien. The fee for a copy
2-60 furnished under this section is in the amount provided by Section
2-61 405.031, Government Code[~~, or notice or certificate affecting a~~
2-62 ~~federal lien, for a fee of \$1.50 per page~~].

2-63 (e) Section 9.523, Business & Commerce Code, applies to a
2-64 federal lien filed under this chapter.

2-65 SECTION 11. This Act takes effect September 1, 2009.

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