

By: Villarreal

H.B. No. 1978

A BILL TO BE ENTITLED

AN ACT

relating to financing statements and other records under the secured transactions law.

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

SECTION 1. Section 9.516(b), Business & Commerce Code, as effective July 1, 2013, is amended to read as follows:

(b) Filing does not occur with respect to a record that a filing office refuses to accept because:

(1) the record is not communicated by a method or medium of communication authorized by the filing office;

(2) an amount equal to or greater than the applicable filing fee is not tendered;

(3) the filing office is unable to index the record because:

(A) in the case of an initial financing statement, the record does not provide a name for the debtor;

(B) in the case of an amendment or information statement, the record:

(i) does not identify the initial financing statement as required by Section 9.512 or 9.518, as applicable; or

(ii) identifies an initial financing statement whose effectiveness has lapsed under Section 9.515;

(C) in the case of an initial financing statement that provides the name of a debtor identified as an individual or an

1 amendment that provides a name of a debtor identified as an
2 individual that was not previously provided in the financing
3 statement to which the record relates, the record does not identify
4 the debtor's surname; or

5 (D) in the case of a record filed or recorded in
6 the filing office described in Section 9.501(a)(1), the record does
7 not provide the name of the debtor and a sufficient description of
8 the real property to which it relates;

9 (4) in the case of an initial financing statement or an
10 amendment that adds a secured party of record, the record does not
11 provide a name and mailing address for the secured party of record;

12 (5) in the case of an initial financing statement or an
13 amendment that provides a name of a debtor that was not previously
14 provided in the financing statement to which the amendment relates,
15 the record does not:

16 (A) provide a mailing address for the debtor; or

17 (B) indicate whether the name provided as the
18 name of the debtor is the name of an individual or an organization[+
19 ~~or~~

20 [~~(C) if the financing statement indicates that~~
21 ~~the debtor is an organization, provide:~~

22 [~~(i) a type of organization for the debtor,~~

23 [~~(ii) a jurisdiction of organization for~~
24 ~~the debtor; or~~

25 [~~(iii) an organizational identification~~
26 ~~number for the debtor or indicate that the debtor has none];~~

27 (6) in the case of an assignment reflected in an

1 initial financing statement under Section 9.514(a) or an amendment
2 filed under Section 9.514(b), the record does not provide a name and
3 mailing address for the assignee;

4 (7) in the case of a continuation statement, the
5 record is not filed within the six-month period prescribed by
6 Section 9.515(d); or

7 (8) the record is not on an industry standard form,
8 including a national standard form or a form approved by the
9 International Association of Commercial Administrators, adopted by
10 rule by the secretary of state.

11 SECTION 2. This Act takes effect July 1, 2013, if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for effect on that
15 date, this Act takes effect September 1, 2013.