

By: Carona
(Villarreal)

S.B. No. 474

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. Subsection (b), Section 9.516, 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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