

## **Summary of Non-Technical Changes Pursuant to R.I. Gen. Laws § 42-35-2.7**

### **Proposed Adoption of 100-RICR-30-00-1, “Uniform Commercial Code Revised Article 9 – Administrative Rules”**

The Department of State is proposing to repeal 100-RICR-XXX-XX-1882 in conjunction with the proposed adoption of 100-RICR-30-00-1. Certain language from the proposed repeal has been transferred to and, in some cases, updated in the proposed adoption of 100-RICR-30-00-1. Below is a comprehensive list of all language in the adoption of 100-RICR-30-00-1 which currently exists in 100-RICR-XXX-XX-1882. The Department has also lists below sections containing entirely new language as well as the reason for the adoption of that language.

#### **Section 1.1 - Purpose**

Purpose – updates and clarifies the role and duties of the filing officer with respect to the administration of RIGL 6A-9 Revised Article 9 of the Uniform Commercial Code (UCC).

#### **Section 1.2 – Definitions**

1. “Address” – New definition added to adoption. Definition provided UCC Model Administrative Rules 2015 edition, International Association of Commercial Administrators (IACA), Secured Transaction Section (STS)
2. “Amendment” – Moved to adoption from repeal – Amended to include filing form information.
3. “Assignment” or “Assignment statement” – Moved to adoption from repeal – No change
4. “Continuation” or “Continuation statement” – Moved to adoption from repeal – No change
5. “Electronic transmission” – New definitional added to adoption. Definition provide only for the purposes of these rules only.
6. “File number” – Moved to adoption from repeal – amended to modernize and clarify definition
7. “Filing office” – Moved to adoption from repeal – amended to modernize and clarify definition
8. “Filing officer” – New definition added to adoption
9. “Filing office statement” - New definition added to adoption. Definition provided UCC Model Administrative Rules 2015 edition, IACA, STS
10. “Financing statement” – Moved to adoption from repeal – No change

11. "Individual" – Moved to adoption from repeal – No change
12. "Information request" – New definition added to adoption. Definition provided UCC Model Administrative Rules 2015 edition, IACA, STS
13. "Information statement" - New definition added to adoption. Filing created PL, 2011, ch.173 effective July 1, 2013.
14. "Initial financing statement" – Moved to adoption from repeal – amended to modernize and clarify definition
15. "Lapse date" - Moved to adoption from repeal – amended to modernize and clarify definition
16. "Legible" – New definition added to adoption. Definition provide only for the purposes of these rules only.
17. "Organization" Moved to adoption from repeal – No change
18. "Remitter" - Moved to adoption from repeal – amended to modernize and clarify definition
19. "Secured party of record" - Moved to adoption from repeal – amended to modernize and clarify definition
20. "Termination" or "Termination statement" - Moved to adoption from repeal – amended to modernize and clarify definition
21. "UCC" – Moved to adoption from repeal – No change
22. "UCC information management system" – Moved to adoption from repeal – amended to modernize and clarify definition
23. "UCC record" - New definition added to adoption. Definition provided UCC Model Administrative Rules 2015 edition, IACA, STS

### **Section 1.3 – Singular and Plural Forms**

Moved to adoption from repeal – No change

### **Section 1.4 – Place to File**

Moved to adoption from repeal – Section includes previous language from repeal paired with amended language to clarify filing office identification and filing methods.

### **Section 1.5 – Office Hours**

Moved to adoption from repeal – Amended to clarify and account for all filing methods.

### **Section 1.6 – UCC Record Delivery; Time of Filing**

Moved to adoption from repeal – Amended to clarify and account for all filing methods

### **Section 1.7 – FORMS**

Moved to adoption from repeal – Amended to clarify and account for all filing methods

### **Section 1.8 – Fees**

Moved to adoption from repeal – Amended to clarify and account for all filing methods

### **Section 1.9 – Methods of Payment**

Moved to adoption from repeal – Amended to clarify and account for all filing methods and payment options

### **Section 1.10 – Overpayment and Underpayment Policies**

Moved to adoption from repeal – Amended to clarify and account for RI Department of State Refund Policy

### **Section 1.11 – UCC Record Availability**

Moved to adoption from repeal – Amended to clarify and account for all filing methods

### **Section 1.12 – New Practices and Technologies**

Moved to adoption from repeal – No change

### **Section 1.13 – Acceptance and Refusal of Documents**

#### **A – Duty to File**

Moved to adoption from repeal – Amended to clarify language

#### **B – Grounds for Refusal of UCC Record**

Moved to adoption from repeal - Amended to comply with filing and filing form changes outlined in PL, 2011, ch.173 effective July 1, 2013.

#### **C - Grounds not Warranting Refusal**

Moved to adoption from repeal – Amended to address the acceptance of more than one termination or continuation amendment.

#### **D - Procedure upon Refusal**

Moved to adoption from repeal – Amended to clarify and account for all filing methods.

#### **E - Acknowledgment**

Moved to adoption from repeal - Amended to clarify current delivery method of an acknowledgement.

#### **F - Notification of Defects**

Moved to adoption from repeal - section description was relabeled, content was unchanged.

#### **G - Refusal Errors**

Moved to adoption from repeal – Amended to clarify language and procedure to be followed

## **Section 1.14 – UCC Information Management System**

### **A – Primary Data Elements**

Moved to adoption from repeal – Subsections have been relabeled, some language was combined and amended to clarify and simplify procedures

### **B – Names of Debtors who are Individuals**

Moved to adoption from repeal - Clarification statement added to indicate rules also apply to a secured party who is an individual. No other changes.

### **C – Names of Debtors who are Organizations**

Moved to adoption from repeal – Clarification statement added to indicate rules also apply to a secured party who is an individual. No other changes.

### **D - Estates**

Moved to adoption from repeal – No change

### **E - Trusts**

Moved to adoption from repeal – Amended to clarify indexing procedures.

### **F - Initial Financing Statement**

Moved to adoption from repeal – Amended to clarify indexing procedures.

### **G - Amendment**

Moved to adoption from repeal - Amended to clarify status of parties and the status of the financing statement. Language consistent with Model Administrative Rules promulgated by International Association of Commercial Administrators (IACA) 2015 edition.

### **H – Continuation**

Moved to adoption from repeal - Amended to address the acceptance of more than one continuation amendment.

### **I – Termination**

Moved to adoption from repeal – No change.

### **J – Information Statement**

New filing added to adoption. Filing created PL, 2011, ch.173 effective July 1, 2013.

#### **K – Filing Office Statement**

New to adoption - Language consistent with Model Administrative Rules promulgated by International Association of Commercial Administrators (IACA) 2015 edition.

#### **L – Procedure upon lapse**

Moved to adoption from repeal – No change.

#### **M - Removal of record**

New to adoption - Language consistent with Model Administrative Rules promulgated by International Association of Commercial Administrators (IACA) 2015 edition.

#### **N - Archives**

New to adoption – Provides instruction on how to search lapsed records.

### **Section 1.15 – Filing and Data Entry Procedures**

#### **A – Policy Statement**

Moved to adoption from repeal – No change.

#### **B – Paper Filings**

New to adoption – Clarifies filing procedures of paper filings.

#### **C – Electronic Filings**

New to adoption – Clarifies filing procedures of electronic filings.

#### **D – Data Entry**

New to adoption – Section provides for data procedures previously set forth in Sections 402, 403, and 404 of repeal.

#### **E – Errors of the Filing Officer**

Moved to adoption from repeal – No change

#### **F – Errors Other than Filing Officer Errors**

Moved to adoption from repeal – No change

#### **G – Data Entry of Names – Designated Fields**

Moved to adoption from repeal – No change

#### **H – Data Entry of Names – No Designated Fields**

Moved to adoption from repeal – Amended to clarify application

#### **I – Verification of Data Entry**

Moved to adoption from repeal – Amended to clarify current procedures

#### **J – Archives**

Moved to adoption from repeal - Amended to consolidate language and provide for the management of paper and electronic filings, UCC databases, and UCC Information Searches.

#### **K – Notice of Bankruptcy**

Moved to adoption from repeal – No change.

### **Section 1.16 – Search Requests**

#### **A – General Requirements**

Moved to adoption from repeal – Amended to clarify search options.

#### **B – Information Request**

Moved to adoption from repeal – Amended to reflect current procedures

#### **C – Search Logic**

Moved to adoption from repeal – Amended to reflect current standardized search logic.

#### **D – Information Request**

Moved to adoption from repeal – Amended to reflect current procedures

### **Section 1.17 – Other Notices of Liens**

#### **A – Policy Statement**

Moved to adoption from repeal – No Changes.

#### **B – Agricultural Liens**

Moved to adoption from repeal – consolidated language to provide procedure for filing and searching