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Article 9 of the Uniform Commercial Code

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Article 9 of the Uniform Commercial Code

Sec. 42a-9-1. Definitions

For purposes of Sections 42a-9-1 to 42a-9-6, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Amendment” means an assignment, continuation statement, termination statement or statement purporting to add, change or delete information in a financing statement.

(2) “Assignment” means an amendment that purports to reflect an assignment of all or a part of a secured party’s power to authorize an amendment to a financing statement.

(3) “Continuation statement” means “Continuation statement” as defined in section 42a-9-102(a)(27) of the Connecticut General Statutes.

(4) “Correction statement” means a record that purports to indicate that a financing statement is inaccurate or wrongfully filed.

(5) “Debtor” means “Debtor” as defined in section 42a-9-102(a)(28) of the Connecticut General Statutes.

(6) “File number” means “File number” as defined in section 42a-9-102(a)(36) of the Connecticut General Statutes.

(7) “Filing office” means the Office of the Secretary of the State.

(8) “Financing statement” means “Financing statement” as defined in section 42a-9-102(a)(39) of the Connecticut General Statutes.

(9) “Individual” means a natural person.

(10) “Initial Financing Statement” means a record that does not identify itself as an amendment or correction statement or identify an initial financing statement to which it relates.

(11) “Noise word” means a word or symbol that is so common as to not be useful in searches and which is ignored by the UCC information management system. Noise words are limited to the following: &, and, Corporation, Incorporated, Company, Societa Per Azioni, Limited, Corp., Inc., Co., S.p.A, LTD., Limited Liability Company, L.L.C., LLC, LTD. Liability Company, Limited Liability Co., Registered Limited Liability Partnership, Limited Liability Partnership, LLP, L.L.P., Statutory Trust, Limited Liability Trust, LLT, L.L.T., and The.

(12) “Organization” means a legal person who is not an individual.

(13) “Remitter” means a person who tenders a UCC document to the filing office for filing. “Remitter” does not include a person responsible merely for the delivery of the document to the filing office, such as the United States Postal Service or a courier service.

(14) “Secured party” means “Secured party” as defined in section 42a-9-102(a)(72) of the Connecticut General Statutes.

(15) “Termination statement” means “Termination statement” as defined in section 42a-9-102(a)(79) of the Connecticut General Statutes.

(16) “Through date” means the latest date in time for which all records have been entered into the UCC information management system.

(17) “UCC” means Uniform Commercial Code as adopted in this state and as amended from time to time.

(18) “UCC document” means an initial financing statement, an amendment or a correction statement.

(19) “UCC information management system” means the body of information containing the UCC records, index and related data base maintained by the office

of the Secretary of the State, including without limitation, all UCC documents relating to any given filing.

(Adopted effective December 11, 2002)

Sec. 42a-9-2. General provisions

(a) **Forms.** The Secretary of the State may prescribe and furnish on request forms required or permitted to be filed by sections 42a-9-101 to 42a-9-xxx, inclusive, of the Connecticut General Statutes, but their use is not mandatory.

(b) **Document delivery.** UCC documents may be tendered for filing at the filing office as follows:

(1) Personal delivery, at the filing office's street address. The file date and time for a UCC document delivered by this method is when delivery of the UCC document is accepted by the filing office.

(2) United States Postal Service delivery, to the filing office's mailing address. The file date and time for an accepted UCC document delivered by this method is 8:30 a.m. on the date it is received in the filing office. An accepted UCC document delivered after regular business hours or on a date the filing office is not open for business shall have a filing date and time of 8:30 a.m. on the next day the filing office is open for business.

(3) Facsimile delivery, to the filing office's facsimile filing telephone number. The file date and time for an accepted UCC document delivered by this method is the date and time it is received in the filing office. An accepted UCC document delivered after regular business hours or on a date the filing office is not open for business shall have a filing date and time of 8:30 a.m. on the next day the filing office is open for business.

(Adopted effective December 11, 2002)

Sec. 42a-9-3. Acceptance and refusal of documents

(a) **Policy Statement.** The duties and responsibilities of the filing office with respect to the administration of article 9 of the Uniform Commercial Code are ministerial. In accepting for filing or refusing to file a UCC document pursuant to sections 42a-9-1 to 42a-9-6, inclusive, of the Regulations of Connecticut State Agencies, the filing office does none of the following:

(1) Determine the legal sufficiency or insufficiency of a UCC document;

(2) Determine that a security interest in collateral exists or does not exist;

(3) Determine that information in the UCC document is correct or incorrect, in whole or in part;

(4) Create a presumption that information in the UCC document is correct or incorrect, in whole or in part.

(b) **Duty to file.** Provided that there is no ground to refuse acceptance of the UCC document under section 87(b) of public act 01-132, a UCC document is filed upon its receipt by the filing office with the filing fee. The filing office shall assign a file number to the accepted UCC document not later than five business days after it is received and index it in the UCC information management system.

(c) **Procedure upon refusal.** If the filing office finds grounds to refuse acceptance of a UCC document, the filing office shall return the document to the remitter. The filing office shall credit any fee received to the remitter's account. The filing office shall send a notice that contains the reason for refusal and the date and time the UCC document would have been filed had the UCC document been accepted. The notice shall be sent to the remitter via United States Postal Service, unless the remitter requests in-person pick-up, courier service or facsimile delivery, no later

than the fifth business day after the filing office receives the UCC document. Upon resubmission the UCC document shall be given a new filing date and time.

(d) **Procedure upon acceptance.** The filing office shall send to the remitter an acknowledgement letter containing the file number assigned to the UCC document, the date and time of filing, and the names and addresses of debtors and secured parties that have been indexed. Such acknowledgement letter shall be sent to the remitter via United States Postal Service, unless the remitter requests in-person pick-up, courier service or facsimile delivery, no later than the fifth business day after the filing office receives the UCC document.

(e) **Refusal errors.** If a secured party or a remitter demonstrates to the satisfaction of the filing office that a UCC document that was refused for filing should not have been refused, the filing office shall file the UCC document as provided in sections 42a-9-1 to 42a-9-6, inclusive, of the Regulations of Connecticut State Agencies, with the filing date and time when the UCC document was originally tendered for filing. The filing office shall also file a filing office statement that shall identify the filing by number and indicate the effective date and time of filing.

(f) **Errors of the filing office.** The filing office may correct the errors of filing office personnel in the UCC information management system at any time. If the correction is made after the filing office has issued a through date that includes the filing date of a corrected UCC document, the filing office shall place a filing office statement relating to the relevant financing statement in the UCC information management system stating the date of the correction and explaining the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

(Adopted effective December 11, 2002)

Sec. 42a-9-4. Indexing procedures

(a) **Identification numbers.** Each initial financing statement is identified by its file number. A record is created in the UCC information management system for each initial financing statement.

(b) A UCC document is identified by a unique file number assigned by the filing office. In the UCC information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

(c) **Identification of parties.** The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system.

(d) The type of UCC document from which data is transferred is identified in the UCC information management system.

(e) **Filing date and filing time.** The filing date and filing time of UCC documents are stored in the UCC information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

(f) **Lapse indicator.** An indicator is maintained by which the UCC information management system identifies whether or not a financing statement shall lapse and, if it does, when it shall lapse.

(g) **Page count.** The total number of pages in a UCC document is maintained in the UCC information management system.

(Adopted effective December 11, 2002)

Sec. 42a-9-5. Data entry of names

(a) **Organization names.** The filing office shall enter organization names into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name. The organization name field in the UCC information management system is fixed in length. The maximum length is 100 characters. Remitters should provide full names on their UCC documents, however, a name that exceeds the fixed length is entered as presented to the filing office, up to the maximum length of the data entry field.

(b) Personal name fields in the UCC information management system are fixed in length. Remitters should provide full names on their UCC documents, however, a name that exceeds the fixed length is entered as presented to the filing office, up to the maximum length of the data entry field. The length of data entry name fields are as follows:

- (1) First name: 20 characters;
- (2) Middle name: 20 characters;
- (3) Last name: 60 characters;
- (4) Suffix: 25 characters.

(Adopted effective December 11, 2002)

Sec. 42a-9-6. Search requests and reports

(a) **General requirements.** The filing office maintains for public inspection a searchable index for all records of UCC documents that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates. The index associates each initial financing statement with each filed UCC document relating to it.

(b) **Search requests.** A search request shall set forth the full correct name of a debtor and shall specify whether the debtor is an individual or an organization. When the debtor is an individual, a search request shall designate separate fields for first, middle, and last names and any suffix.

(c) **Rules applied to search requests.** Search results are created by applying standardized search logic to the name presented to the filing office. The following, and only the following rules are applied to conduct searches.

- (1) There is no limit to the number of matches that may be returned in response to the search criteria;
- (2) No distinction is made between upper and lower case letters;
- (3) Punctuation marks and accents are disregarded;
- (4) Noise Words and abbreviations in a name that indicate the existence or nature of an organization are disregarded. All spaces are disregarded;
- (5) First and last names of individuals are searched exactly as provided. When an initial is provided for the first name, the system shall search for that initial only. If no middle initial is provided the system shall equate it with all middle names and initials.

(6) After taking the rules specified in subdivisions (1) to (5), inclusive, of this subsection into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in financing statements in the UCC information management system, the search shall reveal only names of debtors that match the standard search logic.

(7) At times the results of a search may yield more than an exact name match due to the method in which tax lien information is electronically transmitted to the UCC information management system pursuant to the Internal Revenue Code.

(d) **Response to search requests.** No later than the fifth business day after the filing office receives a search request, the person making such request shall receive a request for information report. The request for information report shall include the name of the debtor searched. If the search yields any UCC documents relating to the debtor, then the request for information report shall include information concerning the debtor's address; the lapse date of the security interest; the secured party's name and address; the type of filing; the volume and page number; the number of pages; and the date and time of filing. The request for information report shall be sent to the requestor via United States Postal Service unless the remitter requests in-person pick-up or courier service. If the search does not yield any UCC documents relating to the debtor, then the request for information report shall state that no information was found.

(Adopted effective December 11, 2002)