

1 HB632
2 168740-1
3 By Representatives Mooney, Wingo and Fridy
4 RFD: Ways and Means General Fund
5 First Read: 07-MAY-15

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8 SYNOPSIS: Under existing law, funds deposited in the
9 Uniform Commercial Code Fund must be expended for
10 the purpose of carrying out the provisions of law
11 authorizing the collection of the funds.

12 This bill would authorize the Uniform
13 Commercial Code Fund to be used for the
14 administration of the Office of the Secretary of
15 State.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to the Uniform Commercial Code Fund; to
22 amend Section 7-9A-525, Code of Alabama 1975; to authorize the
23 Uniform Commercial Code Fund to be used for the administration
24 of the Office of the Secretary of State.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 7-9A-525, Code of Alabama 1975,
27 is amended to read as follows:

1 "§7-9A-525.

2 "(a) Initial financing statement or other record:
3 General rule. Except as otherwise provided in subsection (e),
4 and except that no filing fee is required for the filing of a
5 termination statement pursuant to Section 7-9A-513, the fee
6 for filing and indexing a record under this part is:

7 "(1) ~~20.00~~ Twenty dollars (\$20) if the record is
8 communicated in writing and consists of one or two pages;

9 "(2) ~~20.00~~ Twenty Dollars (\$20) plus ~~2.00~~ two
10 dollars (\$2) for each page more than two if the record is
11 communicated in writing and consists of more than two pages;
12 and

13 "(3) ~~15.00~~ Fifteen dollars (\$15) if the record is
14 communicated by another medium authorized by filing-office
15 rule.

16 "(b) Initial financing statement:
17 Manufactured-housing transactions: Section 7-9A-502(c). Except
18 as otherwise provided in subsection (c), the fee for filing
19 and indexing an initial financing statement of the kind
20 described in Section 7-9A-502(c) is ~~10.00~~ ten dollars (\$10)
21 if the financing statement indicates that it is filed in
22 connection with a manufactured-home transaction.

23 "(c) Number of names. The number of names required
24 to be indexed does not affect the amount of the fee in
25 subsection (a) or (b) of this section.

26 "(d) Response to information request. The fee for
27 responding to a request for information from the filing

1 office, including for issuing a certificate showing whether
2 there is on file any financing statement naming a particular
3 debtor, is:

4 "(1) ~~\$20.00~~ Twenty dollars (\$20) if the request is
5 communicated in writing; and

6 "(2) ~~\$15.00~~ Twenty dollars (\$20) if the request is
7 communicated by another medium authorized by filing-office
8 rule.

9 "The fees described in subdivisions (1) and (2)
10 shall apply to each debtor named submitted in the request
11 where the request seeks information on more than one debtor.
12 An additional fee of ~~\$100.00~~ one hundred dollars (\$100) shall
13 be required where the request for information requests
14 expedited response by the Secretary of State.

15 "(e) Record of mortgage. This section does not
16 require a fee with respect to a mortgage which is effective as
17 a financing statement filed as a fixture filing or as a
18 financing statement covering as-extracted collateral or timber
19 to be cut under Section 7-9A-502(c). However, the recording
20 and satisfaction fees that otherwise would be applicable to
21 the mortgage apply.

22 "(f) Use of non-standard form. A fee of ~~\$5.00~~ five
23 dollars (\$5) shall be required in addition to the fees set
24 forth in subsections (a), (b), and (d) where the filing or
25 request is submitted in a non-standard form.

26 "(g) Proration of fees.

1 "(1) If the first mailing address of the debtor or
2 debtors on the initial finance statement is located in a
3 county in Alabama, ~~\$5.00~~ five dollars (\$5) of the filing fee
4 associated with the filing of the financing statement in the
5 office of the Secretary of State shall be rebated to the
6 probate judge of the county where the address is located. This
7 rebate shall begin January 1, 2002, and lapse after December
8 31, 2011.

9 "(2) The balance of the fee shall be paid to the
10 General Fund of the State of Alabama, a portion to be
11 allocated to the office of the Secretary of State as provided
12 in subsection (j).

13 "(h) Uniform Commercial Code Fund. There is hereby
14 created in the State Treasury a fund to be known and
15 designated as the Uniform Commercial Code Fund. All funds,
16 fees, charges, costs, and collections accruing to or collected
17 by the office of the Secretary of State under the provisions
18 of this section, except fees rebated to probate judges
19 pursuant to subsection (g), shall be deposited into the State
20 Treasury to the credit of the Uniform Commercial Code Fund
21 except as provided in subsection (j).

22 "(i) Use of funds. All funds now or hereafter
23 deposited in the State Treasury to the credit of the Uniform
24 Commercial Code Fund shall be expended for the purpose of
25 carrying out the provisions of the law authorizing the
26 collection of such funds and shall be payable from said fund
27 on the requisition of the Secretary of State; provided,

1 however, commencing in the fiscal year beginning October 1,
2 2003 2015, and in subsequent fiscal years, ~~no funds shall be~~
3 ~~withdrawn nor expended for any purpose whatsoever unless the~~
4 ~~same shall~~ and in addition to the authority herein conferred,
5 funds may be expended for any purpose whatsoever related to
6 the administration of the Office of the Secretary of State as
7 determined by the Secretary of State, provided the funds have
8 been allotted and budgeted in accordance with the provisions
9 of Article 4 of Chapter 4 of Title 41, and only in the amounts
10 and for the purposes provided by the Legislature in the
11 general appropriation bill.

12 "(j) Allocation of fees. From July 1, 2001, through
13 December 31, 2001, 81 percent of all fees collected in
14 accordance with this section by the Secretary of State shall
15 be deposited to the credit of the State General Fund for the
16 credit of the Secretary of State to use for the implementation
17 of this article. There shall be no change in fees collected by
18 the office of the judge of probate from July 1, 2001, through
19 December 31, 2001.

20 "From January 1, 2002, through September 30, 2002,
21 and in subsequent fiscal years, 81 percent of total funds
22 collected in accordance with this section or any fees
23 collected in direct relation to the Uniform Commercial Code
24 during that period shall be deposited to the credit of the
25 State General Fund."

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.