

Dear Senators LODGE, Harris, Stennett, and
Representatives HARRIS, Armstrong, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Secretary of State:

IDAPA 34.00.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No.
34-0000-2000F).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/15/2020. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/12/2020.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee
FROM: Division Manager - Kristin Ford
DATE: September 28, 2020
SUBJECT: Secretary of State

IDAPA 34.00.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 34-0000-2000F)

Summary and Stated Reason for the Rule

The Secretary of State submits notice of proposed fee rule Docket No. 34-0000-2000F. This is an omnibus fee rulemaking and republishes the following rule chapters previously approved by the Idaho Legislature: IDAPA 34.05.01, Rules Governing Farm Products Central Filing System; IDAPA 34.05.02, Rules Governing Liens in Crops for Seed or Liens in Crops for Farm Labor; IDAPA 34.05.03, Rules Governing Requests for Information -- Form UCC-4 Fees; and IDAPA 34.05.06, Rules Governing Lien Filings Under the UCC.

The fee rules do not impose any new fees or charges, and do not increase any fees or charges over the amounts previously approved by the Legislature.

Negotiated Rulemaking/Fiscal Impact

The agency notes that negotiated rulemaking was not conducted because engaging in negotiated rulemaking for all previously existing rules would inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect health, safety, and welfare. No fiscal impact on the state general fund greater than ten thousand dollars is anticipated because the fees have not changed and the Legislature has already set budgets based on those fee amounts.

Statutory Authority

This rulemaking is authorized pursuant to Sections 67-903(9); 28-9-523(g); 28-9-525; 28-9-526; and 45-316.

cc: Secretary of State
Chad Houck

*** PLEASE NOTE ***

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 34 – SECRETARY OF STATE
DOCKET NO. 34-0000-2000F (FEE RULE)
NOTICE OF OMNIBUS RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-903(9) and 28-9-526, Idaho Code.

PUBLIC HEARING SCHEDULE: Opportunity for presentation of oral comments concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 34, rules of the Secretary of State:

IDAPA 34

- 34.05.01, *Rules Governing Farm Products Central Filing System;*
- 34.05.02, *Rules Governing Liens in Crops for Seed or Liens in Crops for Farm Labor;*
- 34.05.03, *Rules Governing Requests for Information – Form UCC-4-Fees;* and
- 34.05.06, *Rules Governing Lien Filings Under the UCC.*

FEE SUMMARY: This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. The following fees or charges are authorized pursuant to Sections 22-4716 and 28-9-525, Idaho Code.

- Fee for information only on all notices when filed online is \$10.
- Fee for information and images on all notices when filed online is an additional \$10.
- Fee for a filing not submitted online is an additional \$20.

UCC Search

- The fee for searching online is \$3.
- The fee for copies of individually identified UCC documents of four or more pages is \$.25 per page.
- The fee for copies of individual documents is \$1 per page.

Federal Tax Lien

- The fee for filing is \$6.
- The fee for additional attachment is \$1 per page.
- The fee for a search for information only is \$6.
- The fee for combination searches available with UCC search for information only is \$10.
- The fee for combination searches available with UCC search for information and copies is \$16.

State Tax Lien

- There is no fee for filing.
- The fee for a search for information only is \$6.
- The fee for combination searches available with UCC search for information only is \$10.
- The fee for combination searches available with UCC search for information and copies is \$16.

State Agencies

- The fee for a search for information only is \$6.
- The fee for combination searches available with UCC search for information only is \$10.
- The fee for combination searches available with UCC search for information and copies is \$16.

Seed and Farm Labor Liens

- The fee for filing online is \$4.
- The fee for a search for information only is \$6.

- The fee for combination searches available with UCC search for information only is \$10.
- The fee for combination searches available with UCC search for information and copies is \$16.

Agriculture Commodity Liens

- The fee for filing is \$5.
- The fee for a search for information only is \$6.
- The fee for combination searches available with UCC search for information only is \$10.
- The fee for combination searches available with UCC search for information and copies is \$16.

Farm Product Liens

- The fee for filing online is \$10.
- The fee for filing is handwritten is \$14.
- The fee for a search for information only is \$6.
- The fee for combination searches available with UCC search for information only is \$10.
- The fee for combination searches available with UCC search for information and copies is \$16.
- The fees are being imposed pursuant to Section 28-9-525, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2021 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Chad Houck at (208) 334-2852.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of August, 2020.

Chad Houck, Deputy Secretary of State
Administrative Division
700 West Jefferson Street, Room E205
PO Box 83720
Boise, ID 83720-0080
(208) 334-2852

34.05.01 – RULES GOVERNING FARM PRODUCTS CENTRAL FILING SYSTEM

000. LEGAL AUTHORITY.

In accordance with Sections 67-903(9), 28-9-523(g), and 28-9-524, Idaho Code, the Secretary of State has authority to promulgate administrative rules in order to execute the duties of the Office of the Secretary of State. This authority includes rules to implement and maintain the USDA certified Idaho Central Filing System, in accordance with P.L. 99-198, Section 1324 of the Federal Food Security Act (1985) and Title 9, CFR Part 205 (2010). ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 34.05.01, “Rules Governing Farm Products Central Filing System,” IDAPA 34, Title 05, Chapter 01. ()

02. Scope. These rules shall govern the requirements for the filing of Farm Products Financing Statements, for the filing of amendments to Farm Products Financing Statements, and for the compilation and distribution of a master list of Farm Products Financing Statements, and portions of the master list. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

The definitions set forth in Section 28-9-102, Idaho Code, apply with full force and effect to all provisions and sections of these rules. Where terms used in this rule are not explicitly or completely defined herein, definitions and usage of terms from the Legal Authority in Section 000 of these rules are applicable. ()

01. Crop Year. ()

a. For a plant or plant product, the calendar year in which it is harvested or to be harvested. ()

b. For mammals, the calendar year in which they are born or acquired. ()

c. For bees and worms, the calendar year in which they are alive in adult form. ()

d. For poultry and the products of mammals, poultry, and bees (i.e., milk, eggs, and honey), the calendar year in which they are sold or to be sold. ()

e. For fish and other aquaculture, the calendar year in which they are harvested or to be harvested. ()

02. Farm Products Financing Statement. A financing statement covering farm products. ()

03. Item on a Master List or Portion of a Master List. An entry on a master list or portion of a master list relating to one (1) Farm Products Financing Statement and one (1) debtor listed thereon. ()

04. PML Grouping. That related group of farm products which will appear on one (1) PML. ()

011. ABBREVIATIONS.

Where abbreviations used in these rules are not explicitly or completely defined herein, definitions and usage of abbreviations from the Legal Authority in Section 000 of these rules are applicable. ()

01. CS. A cumulative supplement to a PML which contains all additions to, changes to, and deletions from the PML which have been filed since the most recent publication of the complete PML. ()

02. PML. A portion of the master list, which covers Farm Products Financing Statements relating to a particular farm product or group of farm products. ()

03. SOS. Idaho Secretary of State. ()

04. USDA. United States Department of Agriculture. ()

012. -- 019. (RESERVED)

020. UNIQUE IDENTIFIER NUMBER (UIN).

01. UIN System. The Secretary of State's Office shall use a UIN system that has been approved and certified by the USDA for the Idaho Central Filing System in place of the former use of complete social security numbers as a means of debtor identification. ()

02. Social Security Numbers and Tax Identification Numbers. With the use of UINs, as approved by the USDA, the SOS will no longer require or accept social security numbers or tax identification numbers, in total, on Farm Products Financing Statements. Only the last four (4) digits shall be required and used. The SOS will not provide social security numbers or tax identification numbers, in total, to any person or business entity, in any format, from Farm Products Financing Statements. ()

021. -- 099. (RESERVED)

100. FARM PRODUCTS FINANCING STATEMENT REQUIREMENTS.

01. Form. A Farm Products Financing Statement must meet the requirements of Section 28-9-502, Idaho Code, and must be filed on SOS form "UCC-1F." ()

02. Completion of Form. Form UCC-1F must be completed in accordance with instructions provided by the SOS. ()

101. AMENDMENT, ASSIGNMENT, CONTINUATION, AND TERMINATION OF A FARM PRODUCTS FINANCING STATEMENT.

01. Form. An amendment, assignment, or continuation of a Farm Products Financing Statement must be filed on SOS form "UCC-3F." ()

02. Completion of Form. Form UCC-3F must be completed in accordance with instructions provided by the SOS. ()

03. Termination. Termination of a Farm Products Financing Statement will be done either by the secured party's signature on the termination signature line on the original of the UCC-1F or by checking the termination box on the UCC-3F. ()

102. FARM PRODUCTS FINANCING STATEMENTS UNDER THE UNIFORM COMMERCIAL CODE.

Unless otherwise provided for in this chapter, Farm Products Financing Statements shall be governed by IDAPA 34.05.06, "Administrative Rules Governing Lien Filings Under the UCC," with the following exceptions: ()

01. IDAPA 34.05.06.101.05 "File Number." Subsection 101.05 only applies in that a unique number shall be assigned. For Farm Products Financing Statements, the filing type shall be designated as "F" followed by a number that is assigned sequentially. The filing number bears no relation to the time of filing and is not an indicator of priority. ()

02. IDAPA 34.05.06.108 "Acceptable Forms." Section 108 does not apply to Farm Products Financing Statements. ()

03. IDAPA 34.05.06.111 "Filing Fees." Section 111 does not apply to Farm Products Financing Statements. ()

04. IDAPA 34.05.06.115.01 "Individually Identified Documents." Subsection 115.01 does not apply to Farm Products Financing Statements. Copies of Farm Products Financing Statements shall be made available either from a computer terminal in the reception area in the filing office or through any medium otherwise accepted by the filing office. There is a charge of one dollar (\$1) per page for copies of Farm Products Financing Statements pursuant to Section 28-9-523(k), Idaho Code. ()

05. IDAPA 34.05.06.202.02 "Additional Debtor Identification." Subsection 202.02 does not apply to Farm Products Financing Statements. ()

06. IDAPA 34.05.06.301.01 “Identification Numbers.” Subsection 301.01 applies, however, each Farm Products Financing Statement is identified by its file number as described in Subsection 102.01 of these rules. ()

07. IDAPA 34.05.06.301.05 “Status of Financing Statement.” Subsection 301.05 does not apply to Farm Products Financing Statements. ()

08. IDAPA 34.05.06.302.01 “Individual Name Fields.” Subsection 302.01 applies, however, no indicator is used to distinguish the name as that of an individual. ()

09. IDAPA 34.05.06.302.05 “No Assumed Business Names.” Subsection 302.05 does not apply to Farm Products Financing Statements. However, if an assumed business name is used as the debtor name, the required information shall be as indicated in Subsection 020.02 of these rules. ()

10. IDAPA 34.05.06.303.01 “Single Field.” Subsection 303.01 applies, however, no indicator is used to distinguish the name as that of an organization. ()

11. IDAPA 34.05.06.303.03 “No Assumed Business Name.” Subsection 303.03 does not apply to Farm Products Financing Statements. However, if an assumed business name is used as the debtor name, the required information shall be as indicated in Subsection 020.02 of these rules. ()

12. IDAPA 34.05.06.306.02 “Status of Debtor.” Subsection 306.02 does not apply to Farm Products Financing Statements. ()

13. IDAPA 34.05.06.306.03 “Status of Financing Statement.” Subsection 306.03 does not apply to Farm Products Financing Statements. ()

14. IDAPA 34.05.06.310 “Termination.” Section 310 does not apply to Farm Products Financing Statements. ()

15. IDAPA 34.05.06.312 “Procedure Upon Lapse.” Section 312 only applies to Farm Products Financing Statements in that a Farm Products Financing Statement lapses on its lapse date. Upon lapse of a Farm Products Financing Statement, the information management system shall cause the Farm Products Financing Statement to no longer be made available to the searcher. ()

16. IDAPA 34.05.06.407 “Data Entry of Names - Designated Fields.” Section 407 applies to Farm Products Financing Statements, however, the filer is not required to designate whether a name is an individual or an organization. ()

17. IDAPA 34.05.06.408 “Data Entry of Names - No Designated Fields.” Section 408 does not apply to Farm Products Financing Statements. ()

18. IDAPA 34.05.06.410.02 “Name and Address of Each Debtor.” Subsection 410.02 applies to Farm Products Financing Statements, however, each debtor name is removed from the searchable index upon lapse or termination. ()

19. IDAPA 34.05.06.411.03 “Amendment Financing Statement Lapses.” Subsection 411.03 applies to Farm Products Financing Statements, however, each debtor name is removed from the searchable index upon lapse or termination. ()

20. IDAPA 34.05.06.413 through IDAPA 34.05.06.504. Sections 413 through 504 do not apply to Farm Products Financing Statements. ()

103. -- 199. (RESERVED)

200. COLLATERAL INFORMATION CODES.

Codes are used to describe farm product collateral on the Farm Products Financing Statements and amendments, on the master list maintained by the SOS, and on the PMLs distributed to registered buyers, commission merchants, and selling agents. Assignment of farm product codes and PML Groupings, county codes, and farm product unit codes shall be done by the SOS. The SOS will provide a list of the established codes upon request. ()

01. PML Groupings and Farm Product Codes. The table of PML Groupings, farm products, and their codes is as follows:

PML No.	PML Grouping	FP Code	FP Name
01	Wheat and Buckwheat	010	Wheat
		011	Buckwheat
02	Feed and Oil Grains	020	Barley
		021	Rye (including Triticale)
		022	Oats
		023	Sorghum Grain
		024	Flaxseed
		025	Safflower
		026	Rape (including Canola)
		027	Field Corn
		028	Millet
03	Hay	030	Hay
04	Ensilage	040	Ensilage
05	Potatoes	050	Potatoes
06	Sugar Beets	060	Sugar Beets
07	Dry Beans	070	Dry Beans
08	Dry Peas, Lentils and Garbanzos	080	Dry Peas
		081	Lentils
		082	Garbanzos (Chick Peas)
09	Sweet Corn	090	Sweet Corn

PML No.	PML Grouping	FP Code	FP Name
10	Onions and Garlic	100	Onions
		101	Onion Seed
		102	Garlic
11	Mint	110	Mint
12	Hops	120	Hops
13	Popcorn & Sunflower Seeds	130	Popcorn
		131	Sunflower Seeds
14	Soybeans	140	Soybeans
15	Rice	150	Rice
16	Seeds	160	Grass for Seed
		161	Alfalfa for Seed
		162	Other Hay Legumes for Seed
		163	Garden Vegetables and Flower Seeds
		164	Seed Potatoes
		165	Row Crops for Seed
17	Vegetables & Melons	170	Green Peas
		171	Tomatoes
		172	Lettuce
		173	Cucumbers
		174	Broccoli
		175	Cauliflower
		176	Lima Beans
		177	Green Beans
		178	Melons
		179	Carrots
		180	Turnips
		181	Asparagus

PML No.	PML Grouping	FP Code	FP Name
		182	Spinach and Collards
		183	Pumpkins and Squash
		184	Radishes
		185	Peppers
		186	Herbs
19	Fruits	190	Apples
		191	Apricots
		192	Cherries
		193	Nectarines
		194	Peaches
		195	Pears
		196	Plums
20	Berries	200	Strawberries
		201	Raspberries
21	Nursery Products	210	Sod
		211	Nursery Stock (Trees and Shrubs)
		212	Christmas Trees
		213	Flowers and Potted Plants
22	Mushrooms	220	Mushrooms
23	Grapes	230	Grapes
50	Beef Animals	500	Beef Cattle and Calves
		501	Beefalo
		502	Bison
51	Sheep, Wool	510	Sheep and Lambs Goats and Llamas
		511	Wool
		512	Goats
		513	Llamas

PML No.	PML Grouping	FP Code	FP Name
52	Hogs	520	Hogs
53	Dairy	530	Dairy Cattle
		531	Milk
54	Equines	540	Horses
		541	Mules
		542	Donkeys and Burros
55	Chickens and Eggs	550	Chickens
		551	Eggs
56	Other Fowl	560	Turkeys
		561	Ducks
		562	Geese
		563	Game Birds
		564	Ostriches, Emus, and Rheas
57	Mink, Rabbits and Fox	570	Mink and Pelts
		571	Rabbits
		572	Fox and Pelts
58	Apiary Products	580	Bees
		581	Honey
		582	Bees Wax
59	Fish and Other Aquaculture	590	Fish and Other Aquaculture
60	Big Game Animals (Deer and Elk)	600	Big Game Animals (Deer and Elk)
61	Worms	610	Worms
62	Semen	620	Cattle Semen

PML No.	PML Grouping	FP Code	FP Name
		621	Horse Semen

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02. County Codes. The table of county codes is as follows. Unless otherwise indicated, counties are in Idaho.

00	All Idaho Counties						
01	Ada	16	Cassia	31	Lewis	46	Garfield, Wa.
02	Adams	17	Clark	32	Lincoln	47	Pend Orielle, Wa.
03	Bannock	18	Clearwater	33	Madison	48	Spokane, Wa.
04	Bear Lake	19	Custer	34	Minidoka	49	Whitman, Wa.
05	Benewah	20	Elmore	35	Nez Perce	50	Malheur, Or.
06	Bingham	21	Franklin	36	Oneida	51	Elko, Nv.
07	Blaine	22	Fremont	37	Owyhee	52	Box Elder, Ut.
08	Boise	23	Gem	38	Payette	53	Cache, Ut.
09	Bonner	24	Gooding	39	Power	54	Rich, Ut.
10	Bonneville	25	Idaho	40	Shoshone	55	Lincoln, Wy.
11	Boundary	26	Jefferson	41	Teton	56	Teton, Wy
12	Butte	27	Jerome	42	Twin Falls	57	Beaverhead, Mt.
13	Camas	28	Kootenai	43	Valley	58	Lincoln, Mt
14	Canyon	29	Latah	44	Washington	59	Sanders, Mt.
15	Caribou	30	Lemhi	45	Asotin, Wa.	99	Not in Table

()

03. Unit Codes. The table for codes for units used to indicate the amount of a FP covered is as follows:

A - acres	G - gallons	T - tons
B - bushels	H - head	V - hives
C - hundred weight	L - pounds	W - lugs
E - cases	N - bins	X - boxes
F - flats	S - sacks	Z - stubs

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201. REGISTRATION OF BUYERS, COMMISSION MERCHANTS, AND SELLING AGENTS -- SUBSCRIPTION TO A PML.

01. Form. Registration of buyers, commission merchants, and selling agents must be on SOS form "UCC-5F." ()

02. Right to Subscribe - Number. Registration entitles the registrant to subscribe for PMLs. Each

registrant will be assigned a permanent registration number by the SOS. ()

03. Duration. Registration is effective for a period of one (1) year. Renewal of registration may be filed at any time after ninety (90) days prior to expiration of a current registration period. The registrant must indicate his registration number on the renewal registration form. ()

04. Change of Name or Address. Notice of a registrant's change of name or address must be made in writing to the SOS. ()

05. Initial Subscription. Subscriptions for PMLs may be made at the time of registration or at any time during the period for which the registrant is registered, provided that no subscription for a PML will run beyond the calendar quarter in which the registration period expires. Subscriptions made at the time of registration must be made on the UCC-5F. ()

06. Other Subscription. Subscriptions made other than at the time of registration must be made on SOS form "UCC-6F." The registrant must indicate his registration number on the subscription form. ()

07. Period of Subscription. A subscription for any PML may be annual or by calendar quarter or quarters, which quarter or quarters may be at a specified time in the future. ()

08. Initial Distribution. If a subscription starts at any time other than the start of a calendar quarter, the registrant will receive the most recent complete compilation of the PML, and all distributions of PMLs for the remainder of the calendar quarter. ()

09. Special Subscription. If the registrant subscribes for a PML for fewer than all counties or crop years, the registrant must indicate the county codes of the desired counties or the desired crop years, or both. If no county codes or crop years are indicated, the PML will cover all counties and crop years. ()

10. Copy of Rules. At the time of registration, each registrant will be provided with a copy of these rules. ()

202. -- 299. (RESERVED)

300. FORM AND DISTRIBUTION OF A PML AND CS.

01. Content of List. Each PML includes data from all Farm Products Financing Statements which cover a particular PML Grouping. ()

02. PML Publication Dates. Each PML is published in complete form on the first regularly scheduled bi-weekly publication date in each calendar quarter. A PML may at other times be published in complete form at the discretion of the SOS when that appears to be more economical than to publish a CS. ()

03. Supplementation. At bi-weekly intervals following the publication of each PML, the SOS publishes a CS for each PML. The CS includes all additions, deletions and changes which have occurred since the publication of the last complete PML. Additions are in the same form and cross-indexed in the same way as items on the PML. Deletions and changes need only refer to the affected item in either the PML or the "addition" section of the CS, and state what action has been taken or what change has been made to that item. ()

04. Cut-Off. In order to be included on a PML or CS, a Farm Products Financing Statement must be received by the SOS at least one (1) business day prior to publication. ()

05. Schedule. At the beginning of each calendar quarter, the SOS distributes to each registrant a schedule of proposed publication dates for that calendar quarter. The SOS may, for good cause, deviate from the schedule, but every PML and CS will be clearly marked with the actual date of publication. In no case will there be more than eighteen (18) days between publications of PMLs and associated CSs. ()

301. GENERATION OF AD HOC INFORMATION REPORTS.

01. Options. Upon the request of any person, the SOS will provide a list organized or limited according to: ()

- a. An individual farm product or a PML Grouping; ()
- b. Alphabetical order by debtor name; ()
- c. By order of UIN; ()
- d. County; or ()
- e. Crop year. ()

02. Internal Organization. When the request is for organization or limitation on the criteria specified in Paragraphs 301.01.a., 301.01.d., and 301.01.e., of these rules, the list will be organized alphabetically within each resulting group unless the request specifies otherwise. ()

03. Additional Criteria. The request may specify additional criteria for further organization or limitation within the first grouping. ()

302. REQUESTS FOR INFORMATION.

Requests for information on Farm Products Financing Statements will comply with IDAPA 34.05.03, "Rules Governing Requests For Information -- Form UCC-4 -- Fees." ()

303. FEES.

01. Farm Products Financing Statement. Farm Products Financing Statement and changes thereto (UCC-1F, UCC-2F and UCC-3F). ()

a. The fee for filing either a UCC-1F or a UCC-3F is provided in IDAPA 34.05.06, "Administrative Rules Governing Lien Filings Under the UCC - Farm Product Liens," Section 606. ()

b. There is no charge for filing a complete termination of a Farm Products Financing Statement. ()

02. Registration of Buyers, Commission Merchants, and Selling Agents. ()

a. The fee for the annual registration of each buyer, commission merchant, or selling agent is thirty dollars (\$30). ()

b. The registration fee must be paid at the time of registration. ()

c. There is no fee for filing notice of a registrant's change of name or address. ()

03. Subscription to PMLs by Buyers, Commission Merchants, and Selling Agents. ()

a. The fee for subscribing to one (1) PML for one (1) year is:

Internet Download (DL)	CD-ROM (CD)	Paper
\$30	\$40	\$200

()

b. New subscriptions purchased at any time after the beginning of a registration period will be prorated to the current or next fiscal quarter, such that the end of the new subscription coincides with the end of the customer's registration period. ()

c. The subscription fee must be paid at the time the subscription is made. ()

04. Ad Hoc Lists. ()

a. The fee for generating an ad hoc list as provided in Section 301 of these rules, is thirty-five dollars (\$35) per hour for programming and analysis and eighty-five dollars (\$85) per hour of computer time required to produce the list. In addition thereto, there is a fee of one dollar (\$1) per printed page of the list so generated. ()

b. The fee for the generation of the list must be paid prior to or upon receipt of the list. ()

05. Fees for Requests for Information. The fees for requests for information on Farm Products Financing Statements, both written and verbal, and for copies of Farm Products Financing Statements reported on the certificate, are provided in IDAPA 34.05.03, "Rules Governing Requests For Information -- Form UCC-4 -- Fees." ()

304. -- 999. (RESERVED)

**34.05.02 – RULES GOVERNING LIENS IN CROPS FOR SEED
OR LIENS IN CROPS FOR FARM LABOR**

000. LEGAL AUTHORITY.

In accordance with Sections 67-903(9), 45-313(3), and 45-316, Idaho Code, the Secretary of State has authority to promulgate administrative rules in order to execute the duties of the Office of the Secretary of State. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 34.05.02, “Rules Governing Liens in Crops for Seed or Liens in Crops for Farm Labor,” IDAPA 34, Title 05, Chapter 02. ()

02. Scope. These rules shall govern the requirements for the filing, amendment, or termination of liens in crops for seed or liens in crops for farm labor, as well as the creation and distribution of a master list of liens in crops for seed or liens in crops for farm labor. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

The definitions set forth in Section 45-302, Idaho Code, apply with full force and effect to all provisions and sections of these rules. Where terms used in this rule are not defined herein, definitions and usage of terms from the Legal Authority in Section 000 of these rules are applicable. ()

01. Family. A group of related persons living together as one economic unit, comprised of parents and children, including step-children. ()

02. Farm Laborer. Anyone who provides farm labor used in the production of crops. When a business entity contracts for and provides such labor, e.g., aerial spraying or custom harvesting, the entity and not its individual employees shall be deemed to be the farm laborer. When individuals provide such labor directly to a producer, each individual is a farm laborer, whether or not they have been organized as a work crew or are members of a family which works as a unit. ()

03. Notice of Claim of Lien. A written notice on the public record of a claimant’s lien in the crops of a producer. ()

04. SOS. Idaho Secretary of State. ()

011. -- 099. (RESERVED)

100. REQUIREMENTS FOR NOTICE OF CLAIM OF LIEN.

01. Form. The form for a notice of claim of lien shall be designated “SL-1.” ()

a. Form SL-1 must be completed in accordance with instructions provided by the SOS. ()

b. Collateral information codes shall be used to indicate the crop and the county where the crop is grown. The collateral information codes shall be assigned by the SOS. The SOS will provide a list of the established codes upon request. ()

02. Supplement. If there is insufficient space on the form SL-1 for all producer and claimant information, the excess will be entered on a supplement form designated “SL-2.” ()

101. AMENDMENT, ASSIGNMENT, EXTENSION, AND RELEASE OF CLAIM OF LIEN.

01. Form. The form for amendment, assignment, extension, and release of claim of lien shall be designated “SL-3.” ()

a. Form SL-3 must be completed in accordance with instructions provided by the SOS. ()

b. Collateral information codes shall be used to indicate the crop and the county where the crop is grown. The collateral information codes shall be assigned by the SOS. The SOS will provide a list of the established codes upon request. ()

02. Supplement. If there is insufficient space on the first page of the form SL-3 for all information, the excess shall be entered on an attached second page SL-3. ()

102. -- 199. (RESERVED)

200. REGISTRATION AND SUBSCRIPTION FOR LIST OF LIENS IN CROPS FOR SEED OR LIENS IN CROPS FOR FARM LABOR.

Any person may register and subscribe for regular distribution of lists of all presently effective notices of claim of liens in crops for seed or liens in crops for farm labor which have been filed under this rule. Unless otherwise set forth in this chapter, the registration and subscription for the list of liens in crops for seed or liens in crops for farm labor shall be administered by the rules as set forth in IDAPA 34.05.01, "Rules Governing Farm Products Central Filing System," Section 201. ()

201. LIST OF NOTICES OF CLAIM OF LIEN (LIST).

01. Compilation and Distribution. The SOS shall compile and distribute to subscribers therefore, a list which shall include all presently effective notices of claim of liens in crops for seed or liens in crops for farm labor. ()

02. Schedule. The list will be published on a bi-weekly schedule to be established by the SOS. ()

03. Cut-Off. In order to be included on a list, a notice of claim of lien must be received by the SOS at least one (1) business day prior to publication. ()

04. Schedule. At the beginning of each quarter, the SOS will distribute to each registrant a schedule of proposed publication dates for that calendar quarter. The SOS may, for good cause, deviate from the schedule, but every list will be marked with the actual date of publication. In no case will there be more than eighteen (18) days between publications of lists. ()

202. -- 299. (RESERVED)

300. REQUEST FOR INFORMATION.

Requests for information on notices of claim of liens in crops for seed or liens in crops for farm labor, both written and verbal, will comply with IDAPA 34.05.03, "Rule Governing Requests For Information -- Form UCC-4 -- Fees." ()

301. FEES.

01. Notice of Claim of Lien. ()

a. The fee is four dollars (\$4) if the form is typed or machine printed, and is eight dollars (\$8) if hand written. ()

b. The fee shall be paid at the time of filing. ()

02. Notice of Amendment, Assignment, or Extension. ()

a. The fee is four dollars (\$4) if the form is typed or machine printed, and is eight dollars (\$8) if hand written. ()

b. The fee shall be paid at the time of filing. ()

03. Notice of Release. No fee charged. ()

04. Registration and Subscription for List of Notices. The fees for registration and subscription shall be as set forth in IDAPA 34.05.01, "Rules Governing Farm Products Central Filing System," Subsections 303.02 and 303.03. ()

05. Fees for Requests for Information. The fees for requests for information on notices of claim of liens in crops for seed or liens in crops for farm labor, both written and verbal, and for copies of notices of claim of liens in crops for seed or liens in crops for farm labor reported on the certificate, are provided in IDAPA 34.05.03, “Rules Governing Requests For Information -- Form UCC-4 -- Fees.” ()

302. -- 999. (RESERVED)

34.05.03 – REQUESTS FOR INFORMATION – FORM UCC-4 – FEES

000. LEGAL AUTHORITY AND REFERENCES.

- 01. Title 28, Chapter 9, Part 4, Idaho Code. ()
- 02. Title 45, Chapters 2 and 3, Idaho Code. ()
- 03. Title 67, Chapter 52, Idaho Code. ()
- 04. IDAPA 34, Title 05, Chapter 01, “Farm Products Central Filing System.” ()
- 05. IDAPA 34, Title 05, Chapter 02, “Liens in Crops, For Seed and Farm Labor.” ()

001. -- 003. (RESERVED)

004. DEFINITIONS.

- 01. SOS. Secretary of State. ()
- 02. EFS. An effective financing statement relating to farm products, as described in IDAPA 34.05.01, “Rules Governing Farm Products Central Filing System, Office of the Secretary of State.” ()
- 03. **Notice of Lien in Crops.** A notice of claim of lien in crops for seed or farm labor, as described in IDAPA 34.05.02, “Rules Governing Liens in Crops, For Seed, and Farm Labor,” Office of the Secretary of State. ()
- 04. **Notice of Federal Lien.** A notice of lien in personal property filed by the Internal Revenue Service or other federal entity pursuant to Title 45, Chapter 2, Idaho Code. ()
- 05. UCCFS. A financing statement filed pursuant to Sections 28-9-402 and 28-9-403, Idaho Code, other than one relating to farm products. ()
- 06. **Notices.** A collective term used in this rule to include all of the notices and financing statements described in the foregoing Subsections 004.02 through 004.05, as well as all ancillary documents pertaining thereto. ()
- 07. **Debtor.** As used in this rule, “Debtor” shall include a licensee under Title 45, Chapter 2, Idaho Code, and a producer under Title 45, Chapter 3, Idaho Code. ()
- 08. **Secured Party.** As used in this rule, “Secured Party” shall include the federal government under Title 45, Chapter 2, Idaho Code and a claimant under Title 45, Chapter 3, Idaho Code. ()

005. -- 010. (RESERVED)

011. REQUESTS FOR INFORMATION.

- 01. **Content.** Upon the request of any person, the SOS shall issue a certificate showing all notices of the types included in a request naming a particular debtor. The certificate shall include the date and hour of filing of each notice, and the name and address of each secured party named therein. If the requested notices include EFS’s or notices of liens in crops, the certificate shall further include other information described in IDAPA 34.05.01, Subsection 017.03, “Rules Governing Farm Products Central Filing System,” Office of the Secretary of State, and IDAPA 34.05.02, Subsection 015.04, “Rules Governing Liens in Crops, For Seed and Farm Labor,” Office of the Secretary of State, as applicable. ()
- 02. **Form.** The SOS shall prescribe an approved form for such requests, designated “UCC-4.” Other forms may be used, provided they contain all the necessary information and provided that the fee for use of a non-standard form is paid. After January 31, 1993, only the form UCC-4 with a revision date of 10/92 or later will be held to be a standard form. Prior to that date, previously approved forms UCC-4 and UCC-4F will be held to be standard forms for the purposes for which they were intended; e.g. a form UCC-4F may be used to request information on EFS’s, notices of liens in crops, or both; an old UCC-4 may be used to request information on UCCFS’s, and if noted on the UCC-4, on notices of federal liens. A verbally conveyed request will be treated as a non-standard form request. ()

012. VERBAL REQUESTS FOR INFORMATION.

01. SOS Responsibility. Upon the verbal request of any person, the SOS shall provide, within twenty-four (24) hours, a verbal report of the filing of any notices naming a particular debtor. The SOS will include in the report as much of the information described in Section 011, supra., as the requesting party wants. ()

02. Time Computation. In computing the twenty-four (24) hour period, weekends and holidays shall not be counted, pursuant to Section 59-1007, Idaho Code. ()

03. Attempts to Respond. If the verbal report is to be made telephonically and the requesting party cannot be reached at the stated telephone number within the twenty-four (24) hour period, the SOS shall attempt to reach the requesting party over an additional twenty-four (24) hour period. If at the end of that time the requesting party has not been reached, the SOS shall be deemed to have fulfilled his obligation to make a timely verbal report. A log of each attempted call shall be maintained by the SOS. At least three (3) attempts to reach the requesting party shall be made in each twenty-four (24) hour period, if the requesting party cannot be reached earlier. ()

04. Written Confirmation. The SOS shall follow the verbal report with written confirmation, which shall be in the form of a certificate in response to a non-standard information request as prescribed in Section 011, supra. ()

013. FEES.

01. Single Type. The fee for the certificate of the SOS showing all notices of a single type is six dollars (\$6). ()

02. Multiple Types. The fee for the certificate of the SOS showing all notices of more than one (1) type is ten dollars (\$10). ()

03. Copies. The fee for requesting copies of the notices reported on the certificate is six dollars (\$6). ()

04. Non-Standard. The fee for use of a non-standard form or for submission of a form which is not typed is four dollars (\$4). ()

05. Verbal Report. The fee for providing a verbal report of notices naming a particular debtor is ten dollars (\$10). ()

06. Single Copies. The fee for a copy of any notice, when the requesting party provides the document number to the SOS, is one dollar (\$1) per page. ()

07. Service Suspension. Notwithstanding any other provision of this rule, cash payment in advance will be required from a requesting party against whom the SOS holds an account receivable more than sixty (60) days past due or which exceeds one hundred dollars (\$100). ()

014. -- 999. (RESERVED)

34.05.06 – RULES GOVERNING LIEN FILINGS UNDER THE UCC

000. LEGAL AUTHORITY AND REFERENCES.

In accordance with Sections 67-903(9) (1977) and 28-9-526 (2001), Idaho Code, the Secretary of State has authority to promulgate administrative rules in order to execute the duties of the Office; this authority includes rules to implement Revised Article 9 of the Uniform Commercial Code, House Bill 205 (2001). ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 34.05.06, “Rules Governing Lien Filings Under the UCC,” IDAPA 34, Title 05, Chapter 06. ()

02. Scope. These rules shall govern the filing, acceptance, indexing and searching of financing statements in the Secretary of State’s Office under Article 9 of the Uniform Commercial Code, as amended in 2001. ()

002. -- 100. (RESERVED)

SUBCHAPTER 1 – GENERAL PROVISIONS

101. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following definitions apply: ()

01. Amendment. A UCC document that purports to amend the information contained in a financing statement. Amendments include assignments, continuations and terminations. ()

02. Assignment. 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. ()

03. Continuation. An amendment that purports to continue the effectiveness of a financing statement. ()

04. Correction Statement. A UCC document that purports to indicate that a financing statement is inaccurate or wrongfully filed. ()

05. File Number. The unique identifying information assigned to an initial financing statement by the filing officer for the purpose of identifying the financing statement and UCC documents relating to the financing statement in the filing officer's information management system. For a financing statement with an initial financing statement filed on or prior to June 30, 2001, the file number includes the seven-digit (7) number assigned to the financing statement by the filing officer. For a financing statement with an initial financing statement filed on or after July 1,2001, the file number includes three (3) segments; the year of filing expressed as a four-digit (4) number, followed by a unique seven-digit (7) number assigned to the financing statement by the filing office and ending with a one-digit (1) verification number assigned by the filing office but algorithmically derived from the numbers in the first two (2) segments. The filing number bears no relation to the time of filing and is not an indicator of priority. ()

06. Filing Office and Filing Officer. The Idaho Secretary of State’s Office. ()

07. Financing Statement. An initial financing statement and all UCC documents that relate to the initial financing statement. ()

08. Individual. A human being, or a decedent in the case of a debtor that is such decedent's estate. ()

09. Initial Financing Statement. A UCC document containing the information required to be in an initial financing statement pursuant to Section 2 of these rules which, when filed, causes the filing office to establish the initial record of the existence of a financing statement in the filing office's UCC information management system. ()

10. Organization. A legal person who is not an individual under Subsection 101.08. ()

11. Remitter. A person who tenders a UCC document to the filing officer for filing, whether the person

is a filer or an agent of a filer responsible for tendering the document for filing. "Remitter" does not include a person responsible merely for the delivery of the document to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process. ()

12. Secured Party of Record. With respect to a financing statement, a secured party or representative of a secured party named on the initial financing statement or, if an assignee is designated on the initial financing statement, instead shall mean the secured party or representative named as such assignee, and shall mean each other secured party or secured party representative named as an additional or substitute secured party on any amendment. Revised Article 9 provides that a person remains a secured party of record until the authorized filing of an amendment indicating that the person is no longer a secured party or secured party representative. However, as the filing officer cannot determine if such an amendment is in fact authorized, a secured party of record on a financing statement is not deleted from the filing officer's information management system until the financing statement lapses. ()

13. Termination. An amendment intended to indicate that the related financing statement has ceased to be effective with respect to the secured party authorizing the termination. ()

14. UCC. The Uniform Commercial Code as enacted in this state, Section 28-11-101, et seq., Idaho Code. ()

15. UCC Document. An initial financing statement, a correction statement or any amendment, including an assignment, a continuation, or a termination. The word "document" in the term "UCC document" shall not be deemed to refer exclusively to paper or paper-based writings. In due time, UCC documents may be expressed or transmitted electronically or through media other than such writings. (Note: this definition is used for the purpose of these rules only. The use of the term "UCC document" in these rules has no relation to the definition of the term "document" in Section 28-9-102(a)(30), Idaho Code.) ()

102. SINGULAR AND PLURAL FORMS.
Singular nouns shall include the plural form, and plural nouns shall include the singular form, unless the context otherwise requires. ()

103. PLACE OF FILING.
The Secretary of State's Office is the filing office for filing UCC documents relating to all types of collateral except for timber to be cut, as-extracted collateral (Section 28-9-102(a)(6), Idaho Code) and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures. ()

104. FILING OFFICE IDENTIFICATION.
In addition to the promulgation of these rules, the filing office will disseminate information of its location, mailing address, telephone and facsimile numbers, and its internet and other electronic "addresses" through usual and customary means. ()

105. OFFICE HOURS.
Although the filing office maintains regular office hours, it receives transmissions by facsimile twenty-four (24) hours per day, three hundred sixty-five (365) days per year, except for scheduled maintenance and unscheduled interruptions of service. Electronic filings may be available in the near future, and will be possible twenty-four (24) hours per day, three hundred sixty-five (365) days per year, except for scheduled maintenance and unscheduled interruptions of service. ()

106. UCC DOCUMENT DELIVERY.
UCC documents may be tendered for filing at the filing office as follows: ()

01. Personal Delivery, at the Filing Office's Street Address. The file time for a UCC document delivered by this method is when delivery of the UCC document is accepted by the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected). ()

02. Courier Delivery, at the Filing Office's Street Address. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently

rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business. ()

03. Postal Service Delivery to the Filing Office's Mailing Address. The file time for a UCC document delivered by this method is the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business. ()

04. Facsimile Delivery to the Filing Office's Facsimile Filing Telephone Number. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, 5 p.m. on the day the filing office is open to the public next following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business. ()

107. SEARCH REQUEST DELIVERY. UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office. Requirements concerning search requests are set forth in Section 501. UCC search requests upon a debtor named on an initial financing statement may be made by an appropriate indication on the face of the initial financing statement form if the form is entitled to be filed with the standard form fee and the relevant search fee is also tendered with the initial financing statement ()

108. ACCEPTABLE FORMS. The forms set forth in Section 28-9-521, Idaho Code, shall be accepted by the filing office. Forms approved by the International Association of Corporation Administrators on or prior to July 1, 2001, and forms approved by the filing office shall be accepted. ()

109. -- 110. (RESERVED)

111. FILING FEES. Section 28-9-525, Idaho Code. ()

01. Filing Fee. The fee for filing and indexing a UCC document of one (1) or two (2) pages communicated on paper or in a paper-based format (including facsimiles) is six dollars \$(6). If there are additional pages, the fee is twelve dollars (\$12). When available, the fee for filing and indexing a UCC document communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be three dollars (\$3). ()

02. UCC Search Fee. The fee for a UCC search request communicated on paper or in a paper-based format is twelve dollars (\$12). ()

112. (RESERVED)

113. METHODS OF PAYMENT. Filing fees and fees for public records services may be paid by the following methods: ()

01. Cash. Payment in cash shall be accepted if paid in person at the filing office. ()

02. Checks. Personal checks, business checks, bank-certified checks or cashiers checks and money orders shall be accepted for payment if they are drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office. ()

03. Prepaid Account. A remitter may open an account for prepayment of filing fees by submitting an application furnished by the filing officer. Fees may be prepaid in amounts not less than fifty dollars (\$50). The filing officer shall issue an account number to be used by a remitter who chooses to pay filing fees in advance. The filing officer shall deduct filing fees from the remitter's prepaid account when authorized to do so by the remitter.

()

114. OVERPAYMENT AND UNDERPAYMENT POLICIES.

01. Overpayment. The filing officer shall refund the amount of an overpayment exceeding two dollars (\$2) to the remitter. The filing officer shall refund an overpayment of two dollars (\$2) or less only upon the written request of the remitter. ()

02. Underpayment. Upon receipt of a document with an insufficient fee, the filing officer shall do one (1) of the following. ()

a. A notice of the deficiency shall be sent to the remitter and the document shall be held for a period of ten (10) days from the date of the notice, in anticipation of receipt of the fee. Upon receipt of the fee, the document will be filed as of the time and date of receipt of the full filing fee. If the fee has not been received within ten (10) days of the date of the notice, the document shall be returned to the remitter with a written explanation for the refusal to accept the document; or ()

b. The document shall be returned to the remitter as provided in Section 205. A refund of a partial payment may be included with the document or delivered under separate cover. ()

115. PUBLIC RECORDS SERVICES.

Public records services are provided on a non-discriminatory basis to any member of the public on the terms described in these rules. The following methods are available for obtaining copies of UCC documents and copies of data from the UCC information management system. ()

01. Individually Identified Documents. Copies of individually identified UCC documents are available either from a computer terminal in the reception area in the filing office or through any medium otherwise accepted by the filing office. There is a charge of twenty-five cents (\$.25) per page for printed information, but only if four (4) or more pages are printed. ()

02. Bulk Copies of Documents. Bulk copies of UCC documents are available in TIF (image) format on CD-ROM. ()

03. Data from the Information Management System. A list of available data elements from the UCC information management system, and the file layout of the data elements, are available from the filing officer upon request. Data from the information management system is available as follows: ()

a. Full Extract. A bulk data extract of information from the UCC information management system is available on a monthly basis. ()

b. Format. Extracts from the UCC information management system are available in ASCII .txt format on CD-ROM. ()

04. Direct On-Line Services. On-line services providing UCC information are available on a subscription basis from the State's Internet Portal Manager, Idaho Information Consortium, Inc., d/b/a Access Idaho. A description of subscription services is available from the filing officer or Access Idaho. ()

116. FEES FOR PUBLIC RECORDS SERVICES.

Fees for public records services are established as follows: ()

01. Charge for Paper Copies. The charge for paper copies of individual documents is twenty-five cents (\$.25) per page if no staff assistance is utilized and one dollar (\$1) per page with staff assistance. Facsimile charge is an additional fifty cents (\$.50) per page. ()

02. Data From the Information Management System. The charge for a full extract is one hundred twenty-five dollars (\$125) per monthly delivery. ()

117. NEW PRACTICES AND TECHNOLOGIES.

The filing officer may adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 filing data by means of electronic, voice, optical and/or other technologies, and, without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper-based system, a non-paper-based Article 9 filing system utilizing any of such technologies. In developing and utilizing technologies and practices, the filing officer shall, to the greatest extent feasible, take into account compatibility and consistency with technologies, practices, policies and regulations adopted in connection with Article 9 filing systems in other states. ()

118. -- 199. (RESERVED)

SUBCHAPTER 2 – ACCEPTANCE AND REFUSAL OF DOCUMENTS

200. ROLE OF FILING OFFICER.

01. Duties and Responsibilities. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. ()

02. What the Filing Officer Does Not Do. In accepting for filing or refusing to file a UCC document pursuant to these rules, the filing officer does not: ()

- a. Determine the legal sufficiency or insufficiency of a document. ()
- b. Determine that a security interest in collateral exists or does not exist. ()
- c. Determine that information in the document is correct or incorrect, in whole or in part. ()
- d. Create a presumption that information in the document is correct or incorrect, in whole or in part. ()

201. DUTY TO FILE.

Provided that there is no ground to refuse acceptance of the document under Section 202, a UCC document is filed upon its receipt by the filing officer with the filing fee and the filing officer shall promptly assign a file number to the UCC document and index it in the information management system. ()

202. GROUNDS FOR REFUSAL OF UCC DOCUMENT.

The following grounds are the sole grounds for the filing officer's refusal to accept a UCC document for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper: it requires, when appropriate, a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases. ()

01. Debtor Name and Address. An initial financing statement or an amendment that purports to add a debtor shall be refused if the document fails to include a legible debtor name and address for a debtor, in the case of an initial financing statement, or for the debtor purporting to be added in the case of such an amendment. If the document contains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the debtor name(s) that was (were) indexed, and a statement that debtors with illegible or missing names or addresses were not indexed. ()

02. Additional Debtor Identification. An initial financing statement or an amendment adding one or more debtors shall be refused if the document fails to identify whether each named debtor (or each added debtor in the case of such an amendment) is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization, the document does not include in legible form the organization's type, state of organization and organization number (or a statement that it does not have an organization number). UCC documents, including the UCC1 and UCC3, should not contain Social Security Account Numbers or other Taxpayer identification numbers although there are spaces for this information on the approved UCC1 and UCC3 form. If these numbers are entered on the forms, the filing officer shall cause them not to be

readable on the scanned image retained by the filing office. ()

03. Secured Party Name and Address. An initial financing statement, an amendment purporting to add a secured party of record, or an assignment, shall be refused if the document fails to include a legible secured party (or assignee in the case of an assignment) name and address. If the document contains more than one secured party (or assignee) name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the secured party (or assignee) names that were indexed, and a statement that secured parties with illegible or missing names or addresses were not indexed. ()

04. Lack of Identification of Initial Financing Statement. A UCC document other than an initial financing statement shall be refused if the document does not provide a file number of a financing statement which exists in the UCC information management system and which has not lapsed. ()

05. Other Required Information. A UCC document that does not identify itself as an initial financing statement or as another type of UCC document shall be refused. ()

06. Timeliness of Continuation. A continuation shall be refused if it is not received during the six (6) month period concluding on the day upon which the related financing statement would lapse. ()

a. First Day Permitted. The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, six (6) months preceding the month in which the financing statement would lapse. If there is no such corresponding date during the sixth month preceding the month in which the financing statement would lapse, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse, although filing by certain means may not be possible on such date if the filing office is not open on such date. ()

b. Last Day Permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses. ()

07. Fee. A document shall be refused if the document is accompanied by less than the full filing fee tendered by a method described in Section 113. ()

08. Means of Communication. UCC documents communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC documents shall be refused. ()

203. (RESERVED)

204. TIME LIMIT.

The filing officer shall determine whether criteria exist to refuse acceptance of a UCC document for filing not later than the second business day after the date the document would have been filed had it been accepted for filing and shall index a UCC document not so refused within the same time period. ()

205. PROCEDURE UPON REFUSAL.

If the filing officer finds any basis under Section 202 to refuse acceptance of a UCC document, the filing officer shall return the document, if written, to the remitter and refund the filing fee. The filing office shall send a notice that contains the date and time the document would have been filed had it been accepted for filing (unless such date and time are stamped on the document), and a brief description of the reason(s) for refusal to accept the document under Section 202. The notice shall be sent to a secured party or the remitter as provided in Subsection 401.02.b. no later than the second business day after of the determination to refuse acceptance of the document. A refund may be delivered with the notice or under separate cover. ()

206. ACKNOWLEDGMENT.

01. When Filing Is a Paper or Paper-Based UCC Document. At the request of a filer or remitter who files a paper or paper-based UCC document, the filing officer shall either: ()

a. Send to said filer or remitter an image of the record of the UCC document showing the file number assigned to it and the date and time of filing; or ()

b. If such filer or remitter provides a copy of such UCC document, note the file number and the date and time of filing on the copy and deliver or send it to said filer or remitter. ()

02. When Filing Is Not a Paper or Paper-Based UCC Document. When appropriate for UCC documents not filed in paper or paper-based form, the filing officer shall communicate to the filer or remitter the information in the filed document, the file number and the date and time of filing. ()

207. OTHER NOTICES.

Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not have the resources to do so. THE RESPONSIBILITY FOR THE LEGAL EFFECTIVENESS OF FILING RESTS WITH FILERS AND REMITTERS AND THE FILING OFFICE BEARS NO RESPONSIBILITY FOR SUCH EFFECTIVENESS. ()

208. REFUSAL ERRORS.

If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC document that was refused for filing should not have been, the filing officer will file the UCC document as provided in these rules with a filing date and time assigned when such filing occurs. The filing officer will also file a filing officer statement that states the effective date and time of filing which shall be the date and time the UCC document was originally tendered for filing. The lapse date shall be calculated based upon the date the UCC document was originally tendered. ()

209. -- 299. (RESERVED)

SUBCHAPTER 3 – UCC INFORMATION MANAGEMENT SYSTEM

300. POLICY STATEMENT.

The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements which have not been lapsed for more than one (1) year. ()

301. PRIMARY DATA ELEMENTS.

The primary data elements used in the UCC information management system are the following: ()

01. Identification Numbers. ()

a. Each initial financing statement is identified by its file number as described in Subsection 101.05. Identification in the form of the file number of the initial financing statement is stamped on written UCC documents or is otherwise permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement. ()

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

02. Type of Document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter. ()

03. Filing Date and Filing Time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date or the effective filing date as provided in Section 208 of these rules. ()

04. Identification of Parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one (1) or more data entry or transmittal techniques. ()

05. Status of Financing Statement. In the information management system, each financing statement has a status of active or inactive. ()

06. Lapse Indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in Section 404. ()

302. NAMES OF DEBTORS WHO ARE INDIVIDUALS.

The definition of "individual" is found in Subsection 101.08. This rule applies to the name on a UCC document of a debtor or a secured party who is an individual. ()

01. Individual Name Fields. The names of individuals are stored in the same files as the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals, and an indicator is marked with "I" to distinguish the name as that of an individual. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations. ()

02. Titles and Prefixes Before Names. Titles and prefixes, such as "Doctor," "Reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, as provided in Section 407, when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears. ()

03. Titles and Suffixes After Names. Titles or indications of status such as "M.D." and "esquire" shall not be entered in the UCC information management system. Suffixes, such as "Sr.," "Jr.," "I," "II," and "III," and "Est" (estate) are entered in a field designated for name suffixes. ()

04. Truncation -- Individual Names. Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The length of data entry name fields are as follows. ()

- a. First name: Fifty (50) characters. ()
- b. Middle name: Fifty (50) characters. ()
- c. Last name: Two hundred fifty-five (255) characters. ()
- d. Suffix: Ten (10) characters. ()

05. No Assumed Business Names. An assumed business name, whether or not on file under Chapter 5, Title 53, Idaho Code, is not the legal name of the individual using the assumed business name. ()

303. NAMES OF DEBTORS THAT ARE ORGANIZATIONS.

This rule applies to the names of organizations which are debtors or secured parties on a UCC document. ()

01. Single Field. The names of organizations are stored in the same files as the names of individuals. The name of an organization is stored in the last-name field only, and an indicator is marked with "O" to distinguish the name as that of an organization. The filing officer assumes no responsibility for the accurate designation of an organizational name but will accurately enter the data in accordance with the filer's designations. ()

02. Truncation-Organization Names. The organization name field in the UCC database is fixed in length. The maximum length is two hundred fifty-five (255) characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer,

up to the maximum length of the data entry field. ()

03. No Assumed Business Names. An assumed business name, whether or not on file under Chapter 5, Title 53, Idaho Code, is not the legal name of the organization using the assumed business name. ()

304. ESTATES.

Although they are not human beings, estates are treated as if the decedent were the debtor under Section 302. "Est" should be entered in the suffix field. ()

305. TRUSTS.

If the trust is named in its organic document(s), its full legal name, as set forth in such document(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC document that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under Sections 407 and 408. ()

306. INITIAL FINANCING STATEMENT.

Upon the filing of an initial financing statement the status of the parties and the status of the financing statement shall be as follows: ()

01. Status of Secured Party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC document names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record. ()

02. Status of Debtor. The status of a debtor named on the document shall be active and shall continue as active until one (1) year after the financing statement lapses. ()

03. Status of Financing Statement. The status of the financing statement shall be active. A lapse date shall be calculated, five (5) years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty (30) years from the file date; or, if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one (1) year after it lapses, or if it is indicated to be filed against a transmitting utility, until one (1) year after it is terminated with respect to all secured parties of record. ()

307. AMENDMENT.

Upon the filing of an amendment the status of the parties and the status of the financing statement shall be as follows: ()

01. Status of Secured Party and Debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows: ()

a. Collateral Amendment or Address Change. An amendment that amends only the collateral description or one (1) or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor). ()

b. Debtor Name Change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC documents that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC documents. Such a statement of amendment affects only the rights of its authorizing secured party(ies). ()

c. Secured Party Name Change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record. ()

d. Addition of a Debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment. ()

e. Addition of a Secured Party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement. ()

f. Deletion of a Debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors. ()

g. Deletion of a Secured Party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record. ()

02. Status of Financing Statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement. ()

308. ASSIGNMENT OF POWERS OF SECURED PARTY OF RECORD.

01. Status of the Parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record. ()

02. Status of Financing Statement. An assignment shall have no effect upon the status of the financing statement. ()

309. CONTINUATION.

01. Continuation of Lapse Date. Upon the timely filing of one (1) or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five (5) years. ()

02. Status of Parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement. ()

03. Status of Financing Statement. Upon the filing of a continuation statement, the status of the financing statement remains active. ()

310. TERMINATION.

01. Status of Parties. The filing of a termination shall have no effect upon the status of any party to the financing statement. ()

02. Status of Financing Statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one (1) year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one (1) year after it is terminated with respect to all secured parties of record. ()

311. CORRECTION STATEMENT.

01. Status of Parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement. ()

02. Status of Financing Statement. A correction statement shall have no effect upon the status of the financing statement. ()

312. PROCEDURE UPON LAPSE.

If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system. ()

313. -- 399. (RESERVED)

SUBCHAPTER 4 – FILING AND DATA ENTRY PROCEDURES

400. POLICY STATEMENT.

This section contains rules describing the filing procedures of the filing officer upon and after receipt of a UCC document. It is the policy of the filing officer to file promptly a document that conforms to these rules. Except as provided in these rules, data is transferred from a UCC document to the information management system exactly as the data is set forth in the document. Personnel who create reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind. ()

401. DOCUMENT INDEXING AND OTHER PROCEDURES BEFORE ARCHIVING.

01. Cash Management. Transactions necessary to payment of the filing fee are performed. ()

02. Document Review. The filing office determines whether a ground exists to refuse the document under Section 202. ()

a. File Stamp. If there is no ground for refusal of the document, the document is stamped or deemed filed and a unique identification number and the filing date is stamped on the document or permanently associated with the record of the document maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the document was received. ()

b. Correspondence. If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in Section 205. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided in Section 206. Acknowledgment of filing or notice of refusal of a UCC document is sent to the secured party (or the first secured party if there are more than one (1)) named on the UCC document or to the remitter if the remitter so requests by regular mail or by overnight courier if the remitter provides a prepaid waybill or access to the remitter's account with the courier. ()

402. FILING DATE.

The filing date of a UCC document is the date the UCC document is received with the proper filing fee if the filing office is open to the public on that date; or, if the filing office is not so open to the public on that date, the filing date is the next date the filing office is so open, except that, in each case, UCC documents received after 5 p.m. shall be deemed received on the following day. The filing officer may perform any duty relating to the document on the filing date or on a date after the filing date. ()

403. FILING TIME.

The filing time of a UCC document is determined as provided in Section 106. ()

404. LAPSE DATE AND TIME.

A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or

relevant subsequent fifth anniversary thereof if a timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a public-finance transaction or a manufactured-home transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be March 1 in the fifth year following the year of the filing date. ()

405. ERRORS OF THE FILING OFFICER.

The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing date of a corrected document, the filing officer shall file a filing officer statement in the UCC information management system identifying the record to which it relates, the date of the correction and explaining the nature of the corrective action taken. The notation shall be preserved as long as the record is preserved in the UCC information management system. ()

406. ERRORS OTHER THAN FILING OFFICE ERRORS.

An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by a correction statement. ()

407. DATA ENTRY OF NAMES – DESIGNATED FIELDS.

A filing should designate whether a name is a name of an individual or an organization and, if an individual, also designate the first, middle and last names and any suffix. When this is done, Subsections 407.01 through 407.03 shall apply: ()

01. Organization Names. Organization names are entered 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. ()

02. Individual Names. On a form that designates separate fields for first, middle, and last names and any suffix, the filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form. ()

03. Designated Fields Encouraged. The filing office encourages the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Filers should be aware that the inclusion of a name in an incorrect field or the failure to transmit a name accurately to the filing office may cause a filing to be ineffective. ()

408. DATA ENTRY OF NAMES -- NO DESIGNATED FIELDS.

A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization shall be refused by the filing office. If it is accepted for filing in error, the following rules in Subsections 408.01 through 408.04 shall apply: ()

01. Identification of Organizations. A name is treated as an organization name if it contains words or abbreviations that indicate status such as the following and similar words or abbreviations in foreign languages: association, church, college, company, co., corp., corporation, inc., limited, ltd., club, foundation, fund, L.L.C., limited liability company, institute, society, union, syndicate, GmbH, S.A. de C.V., limited partnership, L.P., limited liability partnership, L.L.P., trust, business trust, co-op, cooperative and other designations established by statutes to indicate a statutory organization. In cases where organization or individual status is not designated by the filer and is not clear, the filing officer will use his own judgment. ()

02. Identification of Individuals. A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one (1) of the following titles, or the equivalent of one (1) of the following titles in a foreign language: proprietor, sole proprietor, proprietorship, sole proprietorship, partner, general partner, president, vice president, secretary, treasurer, M.D., O.D., D.D.S., attorney at law, Esq., accountant, CPA. In such cases, the title is not entered. ()

03. Individual and Organization Names on a Single Line. Where it is apparent that the name of an

individual and the name of an entity are stated on a single line and not in a designated individual name field, the name of the individual and the name of the entity shall be entered as two (2) separate debtors, one (1) as an individual and one (1) as an entity. Additional filing fees for the amendment to add additional debtor name(s) may be required. ()

04. Individual Names. The failure to designate the last name of an individual debtor in an initial financing statement or an amendment adding such debtor to a financing statement should cause a filing to be refused. If the filing is accepted in error, or if only the last name is designated, the following data entry rules apply: ()

a. Freestanding Initials. An initial in the first position of the name is treated as a first name. An initial in the second position of the name is treated as a middle name. ()

b. Combined Initials and Names. An initial and a name to which the initial apparently corresponds is entered into one (1) name field only [e.g. “D. (David)” in the name “John D. (David) Rockefeller” is entered as “John” (first name); “D. (David)” (middle name); “Rockefeller” (last name)]. ()

c. Multiple Individual Names on a Single Line. Two (2) individual names contained in a single line are entered as two different debtors [e.g. the debtor name “John and Mary Smith” is entered as two (2) debtors: “John Smith” and “Mary Smith”]. ()

d. One Word Names. A one (1) word name is entered as a last name [e.g. “Charro” is treated as a last name]. ()

e. Nicknames. A nickname is entered in the name field together with the name preceding the nickname, or if none, then as the first name (e.g., “William (Bill) Jones”). ()

409. VERIFICATION OF DATA ENTRY.
The filing officer uses double key entry to verify the accuracy of data entry tasks. ()

410. INITIAL FINANCING STATEMENT.

01. New Record Bears the Unique UCC File Number. A new record is opened in the UCC information management system for each initial financing statement. The new record bears the unique file number of the financing statement and the date and time of filing. ()

02. Name and Address of Each Debtor. The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each such debtor name is included in the searchable index and is not removed until one (1) year after the financing statement lapses. ()

03. Name and Address of Each Secured Party. The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement. ()

04. Record Is Indexed According to the Name of the Debtor. The record is indexed according to the name of the debtor(s) and is maintained for public inspection. ()

05. Lapse Date. A lapse date is established for the financing statement, and the lapse date is maintained as part of the record. No lapse date is established for a financing statement which indicates it is filed against a transmitting utility. ()

411. AMENDMENT.

01. Date and Time of Filing Amendment. A record is created for the amendment that bears the file number for the amendment and the date and time of filing. ()

02. Amendment Initial Financing Statement. The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved. ()

03. Amendment Financing Statement Lapses. The name and address of each additional debtor and secured parties are entered into the UCC information management system in the record of the financing statement. Each such additional debtor name is added to the searchable index and is not removed until one (1) year after the financing statement lapses. ()

04. New Lapse Date Is Established. If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record. ()

412. CORRECTION STATEMENT.

A record is created for the correction statement that bears the file number for the correction statement and the date and time of filing. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved. ()

413. GLOBAL FILINGS.

01. Filing a Single UCC Document. The filing officer may accept for filing a single UCC document for the purpose of amending more than one (1) financing statement, for one (1) or both of the following purposes: ()

- a. Amendment to change secured party name; or ()
- b. Amendment to change secured party address. ()

02. Global Filing. A global filing shall consist of a written document describing the requested amendment on a form approved by the filing office. Acceptance of a global filing is conditioned upon the determination of the filing officer and is within the filing officer's sole discretion. ()

414. NOTICE OF BANKRUPTCY.

The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. ()

415. -- 499. (RESERVED)

SUBCHAPTER 5 – SEARCH REQUESTS AND REPORTS

500. GENERAL REQUIREMENTS.

The filing officer 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 and which associates each initial financing statement and each filed UCC document relating to the initial financing statement. ()

501. SEARCH REQUESTS.

Search requests shall contain the following information: ()

01. Name Searched. A search request should set forth the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization. The full name of an individual should consist, whenever possible, of a first, middle, and last name, followed by any suffix that may apply to the name. The full name of an organization shall consist of the name of the organization as stated on the articles of incorporation or other organic documents in the state or country of organization or the name variant desired to be searched. A search request will be processed using the name in the exact form it is submitted. ()

02. Requesting Party. The name and address of the person to whom the search report is to be sent. ()

03. Fee. The appropriate fee shall be enclosed, payable by a method described in Section 113. ()

502. OPTIONAL INFORMATION.

A UCC search request may contain any of the following information: ()

01. Copies of Documents. A request that copies of documents referred to in the report be included with the report. The request may limit the copies requested by limiting them by reference to the city of the debtor, the date of filing, or a range of filing dates on the financing statements located by the related search. The request may ask for copies of UCC documents identified on the primary search response. ()

02. Debtor Name. A request that the search of a debtor name be limited to debtors in a particular city. A report created by the filing officer in response to such a request shall contain the following statement: "A search limited to a particular city, the date of filing, or a range of filing dates may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search." ()

03. Mode of Delivery. Instructions on the mode of delivery requested, if other than by ordinary mail, will be honored if the requested mode is at the time available to the filing office. ()

503. RULES APPLIED TO SEARCH REQUESTS.

Search results are created by applying standardized search logic to the name presented to the filing officer by the person requesting the search. Human judgment does not play a role in determining the results of the search, except with respect to supplemental responses regarding individual debtor names that are not automated. The following, and only the following, rules are applied to conduct searches: ()

01. No Limit on Number of Search Matches. There is no limit to the number of matches that may be returned in response to the search criteria. ()

02. Not Case Sensitive. No distinction is made between upper and lower case letters. ()

03. Punctuation. Punctuation marks and accents are disregarded. ()

04. Words and Abbreviations at the End of a Name. Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the "Ending Noise Words" list as promulgated and adopted by the International Association of Corporation Administrators, as amended from time to time, are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing). ()

05. "The" Disregarded. The word "the" at the beginning of the search criteria is disregarded. ()

06. Spaces. All spaces are disregarded. ()

07. Initials. For first and middle names of individuals, initials are equated with all names that begin with such initials, and no middle name or initial is equated with all middle names and initials. ()

08. Names Searched On. After taking the preceding rules into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in active financing statements in the UCC information management system, the search will reveal only names of debtors that are contained in active financing statements and, as modified, exactly match the name requested, as modified. ()

504. SEARCH RESPONSES.

Reports created in response to a search request shall include the following: ()

01. Filing Officer. Identification of the filing officer and the certification of the filing officer required by the UCC. ()

02. Report Date. The date the report was generated. ()

03. Name Searched. Identification of the name searched. ()

04. Certification Date. The certification date applicable to the report; i.e., the date and time through which the search is effective to reveal all relevant UCC documents filed on or prior to that date. ()

05. Identification of Initial Financing Statements. Identification of each unexpired initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time. (Lapsed financing statements remain active for one (1) year after the lapse date and may be requested on the search form.) ()

06. History of Financing Statement. For each initial financing statement on the report, a listing of all related UCC documents filed by the filing officer on or prior to the certification date. ()

07. Copies. Copies of all UCC documents revealed by the search and requested by the searcher. ()

505. -- 599. (RESERVED)

SUBCHAPTER 6 – OTHER NOTICES OF LIENS

600. POLICY STATEMENT.

The purpose of the rules in this section is to describe non-UCC liens maintained by the filing office. These liens are treated by the filing officer in a manner similar to UCC documents and are included, on request, with the reports described in Sections 504 and 505. ()

601. NOTICE OF FEDERAL TAX LIEN.

01. Filing. Pursuant to Section 45-202, Idaho Code, federal tax liens on business entities, estates, and trusts are filed at the Secretary of State's Office. ()

a. Fee. ()

i. The fee for filing is six dollars (\$6); ()

ii. If there is an attachment there is an additional fee of one dollar (\$1) per page. ()

b. Duration. Pursuant to the Internal Revenue Code, federal tax liens have a duration of ten (10) years. ()

02. Mechanics of Search. ()

a. Fee for Search. ()

i. Six dollars (\$6) for information only; ()

ii. Twelve dollars (\$12) for information and copies. ()

b. Combination Search Available with UCC Search: ()

i. Ten dollars (\$10) for information; ()

ii. Sixteen dollars (\$16) for information and copies. ()

602. NOTICE OF STATE TAX LIEN.

01. Filing. ()

a. Where to File. The Secretary of State accepts electronic filings from the Idaho Tax Commission

pursuant to Chapter 19, Title 45, Idaho Code, and Title 63, Idaho Code. ()

b. Fee. None. ()

c. Duration. Five (5) years. ()

02. Mechanics of Search. ()

a. Fee for Search. ()

i. Six dollars (\$6) for information only; ()

ii. Twelve dollars (\$12) for information and copies. ()

b. Combination Search Available with UCC Search: ()

i. Ten dollars (\$10) for information; ()

ii. Sixteen dollars (\$16) for information and copies. ()

603. NOTICE OF OTHER LIEN IN FAVOR OF A GOVERNMENTAL BODY (NATURE AND DURATION).

01. State Agencies. Generally under Chapter 19, Title 45, Idaho Code. ()

a. Department of Commerce and Labor, Chapter 13, Title 72, Idaho Code (unemployment insurance-five year duration). ()

b. Department of Commerce and Labor, Chapter 6, Title 45, Idaho Code (wage claims-five (5) year duration). ()

c. Department of Health and Welfare, Chapter 12, Title 7, Idaho Code (child support-indefinite duration). ()

d. Department of Health and Welfare, Chapter 2, Title 56, Idaho Code (medical assistance-five (5) year duration). ()

02. Counties. Chapter 35, Title 31, Idaho Code (indigent medical-indefinite duration). ()

03. Mechanics of Search. ()

a. Fee for Search. ()

i. Six dollars (\$6) for information only; ()

ii. Twelve dollars (\$12) for information and copies. ()

b. Combination Search Available with UCC Search: ()

i. Ten dollars (\$10) for information; ()

ii. Sixteen dollars (\$16) for information and copies. ()

604. SEED AND FARM LABOR LIENS.

01. Mechanics of Filing. Seed and farm labor liens pursuant to Chapter 3, Title 45, Idaho Code are filed in the same manner as initial financing statements and may use only forms prescribed by the Secretary of State's

Office. They are indexed by debtor name and will be revealed, on request, by searches under Sections 504 and 505.

- ()
- a. Where to File. Seed and farm labor liens are filed with the filing office. ()
 - b. Fee. ()
 - i. Four dollars (\$4), if typed; ()
 - ii. Eight dollars (\$8), if handwritten. ()
 - c. Duration. ()
 - i. Farm labor liens remain in effect for twelve (12) months after filing and may be extended for six (6) months. ()
 - ii. Seed liens remain in effect for sixteen (16) months and may be extended for six (6) months. ()
- 02. Mechanics of Search.** ()
 - a. Fee for Search. ()
 - i. Six dollars (\$6) for information only; ()
 - ii. Twelve dollars (\$12) for information and copies. ()
 - b. Combination Search Available with UCC Search: ()
 - i. Ten dollars (\$10) for information; ()
 - ii. Sixteen dollars (\$16) for information and copies. ()

605. AGRICULTURE COMMODITY LIENS.

01. Mechanics of Filing. Agricultural commodity liens pursuant to Chapter 18, Title 45, Idaho Code are filed in the same manner as initial financing statements and may use only forms prescribed by the Secretary of State's Office. These types of liens are indexed by debtor name and will be revealed, on request, by searches under Sections 504 and 505. ()

- a. Fee. Five dollars (\$5). ()
- b. Duration. Ninety (90) days. ()

02. Mechanics of Search. Fee for search: ()

- a. Five dollars (\$5), if combined with other searches; ()
- b. Ten dollars (\$10) for information; ()
- c. Sixteen dollars (\$16) for information and copies. ()

606. FARM PRODUCT LIENS.

01. Mechanics of Filing. ()

- a. Pursuant to Section 28-9-526, Idaho Code, farm product liens are filed in the same manner as initial

financial statements and may use only forms prescribed by the Secretary of State's Office. They are indexed by debtor name and will be revealed, on request, by searches under Sections 504 and 505. ()

b. Where to File. Farm product liens are filed with the filing office. ()

c. Fee. ()

i. Ten dollars (\$10), if typed; ()

ii. Fourteen dollars (\$14), if handwritten; ()

iii. For attachments, it is an additional one dollar (\$1) per printer page. ()

d. Duration. Farm product liens remain in effect for five (5) years and may be extended to five (5) years if continuation is received six (6) months prior to lapse. ()

02. Mechanics of Search. ()

a. Fee for Search: ()

i. Six dollars (\$6) for information only; ()

ii. Twelve dollars (\$12) for information and copies. ()

b. Combination Search Available with UCC Search: ()

i. Ten dollars (\$10) for information; ()

ii. Sixteen dollars (\$16) for information and copies. ()

607. -- 999. (RESERVED)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Secretary of State

Agency Contact: Chad Houck

Phone: 208-334-2852

Date: August 19, 2020

IDAPA 34

- 34.05.03, Rules Governing Requests for Information – Form UCC-4-Fees
- 34.05.06, Rules Governing Lien Filings Under the UCC-Fees

Fee Rule Status: _____ **Proposed** _____ **Temporary**

Rulemaking Docket Number: *34-0000-2000F (Fee Rule)*

STATEMENT OF ECONOMIC IMPACT:

- Fee for information only on all notices when filed online is \$10.
- Fee for information and images on all notices when filed online is an additional \$10.
- Fee for a filing not submitted online is an additional \$20.

This action is authorized pursuant to Sections(s) Title 28, Chapter 9, Part 5: Chapters 2 and 3: and Title 67, Chapter 52, Idaho Code.

UCC Search

- The fee for searching online is \$3.
- The fee for copies of individually identified UCC documents of four or more pages is \$.25 per page.
- The fee for copies of individual documents is \$1 per page.

Federal Tax Lien

- The fee for filing is \$6.
- The fee for additional attachment is \$1 per page.
- The fee for a search for information only is \$6.
- The fee for combination searches available with UCC search for information only is \$10.
- The fee for combination searches available with UCC search for information and copies is \$16.

State Tax Lien

- There is no fee for filing.

- The fee for a search for information only is \$6.
- The fee for combination searches available with UCC search for information only is \$10.
- The fee for combination searches available with UCC search for information and copies is \$16.

State Agencies

- The fee for a search for information only is \$6.
- The fee for combination searches available with UCC search for information only is \$10.
- The fee for combination searches available with UCC search for information and copies is \$16.

Seed and Farm Labor Liens

- The fee for filing online is \$4.
- The fee for a search for information only is \$6.
- The fee for combination searches available with UCC search for information only is \$10.
- The fee for combination searches available with UCC search for information and copies is \$16.

Agriculture Commodity Liens

- The fee for filing is \$5.
- The fee for a search for information only is \$6.
- The fee for combination searches available with UCC search for information only is \$10.
- The fee for combination searches available with UCC search for information and copies is \$16.

Farm Product Liens

- The fee for filing online is \$10.
- The fee for filing is handwritten is \$14.
- The fee for a search for information only is \$6.
- The fee for combination searches available with UCC search for information only is \$10.
- The fee for combination searches available with UCC search for information and copies is \$16.
- The fees are being imposed pursuant to Section 28-9-525, Idaho Code.

This action is authorized pursuant to Sections(s) 67-903(9) and 28-9-526, Idaho Code

All the above fees are unchanged from the previous year's temporary fee rule.