



Legislative Update

2012 IACA Conference

Presented by:

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UCC Article 9 2010 Amendments

2010 Amendments – Enacted (Alt A)

State	Date	Bill	§9-503(a)	§9-521 Forms	Effective Date
FL	4/6/12	HB 483	A	Omitted	July 1, 2013
HI	4/20/12	HB 2162	A	Text	July 1, 2013
ID	3/27/12	SB 1307	A	Images	July 1, 2013
IN	4/20/11	HB 1321	A	Text	July 1, 2013
IA	4/4/12	HF 2321	A	Omitted	July 1, 2013
KS	4/6/12	HB 2621	A	Omitted	July 1, 2013
KY	4/11/12	SB 97	A	Incorp.*	July 1, 2013
MI	4/10/12	HB 5083**	A	Text	July 1, 2013
MN	5/20/11	SB 194	A	Omitted	July 1, 2013
NE	4/14/11	LB 90	A	Text	July 1, 2013
NV	5/29/11	AB 109	A	Omitted	July 1, 2013
ND	4/4/11	HB 1137	A	Omitted	July 1, 2013
OH	4/2/12	SB 208	A	Text	July 1, 2013
PR	1/17/12	C 2965	A	1998 Rev.	January 17, 2013
RI	7/1/11	HB 5573	A	Omitted	July 1, 2013
SD	3/2/12	HB 1059	A	Images	July 1, 2013
TN	4/11/12	SB 2931	A	Images	July 1, 2013
TX	5/17/11	SB 782	A	Omitted	July 1, 2013
VA	3/7/12	SB 51	A	Non-Uniform	July 1, 2013
WV	3/15/12	HB 4251	A	Omitted	July 1, 2013
WI	4/2/12	SB 416	A	Images	July 1, 2013

2010 Amendments – Enacted (Alt B)

State	Date	Bill	§9-503(a)	§9-521 Forms	Effective Date
CO	5/9/12	HB 2162	B	Omitted	July 1, 2013
CT	7/8/11	HB 6274	B	Omitted	July 1, 2013
OR	3/5/12	HB 4035	B	Incorporated	July 1, 2013
WA	4/13/11	HB 1491	B	Text	July 1, 2013

2010 Amendments – Pending Bills

State	Bill	Introduced	§9-503(a)	§9-521	Status
DC	B19-0222	April 5, 2011	A	Text	In committee since June 2011.
IL	SB3764	March 2, 2012	A	Incorporate**	Passed Senate. Awaiting 2nd reading in House.
LA	HB369	February 28, 2012	A	Omitted	Passed House & Senate on 5/14/12.
MD	HB713	February 7, 2012	A	Incorporate**	Passed House & Senate on 4/7/12. .
MD	SB748	February 7, 2012	A	Incorporate**	Passed committee.
MA	HB25	January 2, 2011	A	Text	In committee.
NH	SB204	December 23, 2011	B	Incorporate**	Passed Senate 3/21/12. Passed House 5/9/12.
OK	HB1833	February 7, 2011	A	Text	Passed House. In Senate committee.
OK	SB1219	January 18, 2012	A	Text	In committee.
PA	HB2159	January 26, 2012	A	Omitted	In committee.

** Section 9-521 incorporates by reference the 04/20/2011 version forms approved by the ULC.

2010 Amendments – Failed/No Action

State	Introduced	Year	Result	Notes
Alabama	Yes	2012	Failed 5/16/12	Failed to pass before legislature adjourned.
Alaska	No			
Arizona	No			
Arkansas	No			Limited session in 2012 adjourned 3/8/12.
California	No			
Delaware	No			
Georgia	No			
Maine	No			
Mississippi	No			
Missouri	No			
Montana	No			Legislature did not meet in 2012.
New Jersey	No			
New Mexico	Yes	2012	Failed 2/17/12	Legislature adjourned without passing.
New York	No			
North Carolina	No			
South Carolina	No			
Utah	No			2012 legislative session adjourned 3/8/12
Vermont	No			
Wyoming	No			2012 legislative session adjourned 3/8/12.
USVI	No			

Nebraska LB 1031: § 9-503(a)(4)

- **Driver's License Bracketed Language**
 - *Added “or state issued identification card” to bracked language.*
- **Status**
 - *Enacted: Signed by governor on March 14, 2012*
 - *Takes effect on July 1, 2013.*

Fraudulent Filing

Alabama HB 17: Fraudulent Filing

- **Offering a False Instrument for Recording Against a Public Servant**
 - *Makes it a class C Felony for any person who knowingly offers for recording a written instrument which relates to or affects an interest in real or personal property that the person knows is false and is intended to defraud, intimidate or harass.*
 - *Allows filing officer to nullify or expunge the record.*
 - *Same as SB 255.*
- **Status**
 - *Enacted: Signed by governor on April 19, 2012*
 - *Took effect immediately.*

Alabama SB 64: Fraudulent Filing

- **Expunge False Instruments**
 - *Would an expedited process to allow a public servant to request that the filing office expunge a false instrument.*
- **Status**
 - *Did not make it out of committee before legislature adjourned.*

Florida SB 996: Fraudulent Filing

- **Property Fraud**

- *Provides that a person who knowingly files with the clerk of the circuit court a document relating to ownership, transfer, encumbrance, interest or claim against real or personal property which contains a material misstatement, misrepresentation, or omission of fact commits the offense of fraudulent creation of an interest in real or personal property.*

- **Status**

- *Died in committee.*

Georgia HB 997: Fraudulent Filing

- **False Lien Statements**

- *Makes it a felony for any person to knowingly file a false lien or encumbrance in a public record or private record that is generally available to the public against the real or personal property of a public officer or public employee on account of the performance of such public officer or public employee's official duties, knowing or having reason to know that such lien or encumbrance is false or contains a materially false, fictitious, or fraudulent statement or representation.*

- **Status**

- *Enacted: Signed by governor on April 16, 2012*
- *Takes effect on July 1, 2012.*

Illinois HB 5190: Fraudulent Filing

- **Fraudulent Records**

- *Creates new § 9-501.1 that makes it a crime to file a record the person knows is false, not authorized under Article 9, or not in connection with a legitimate commercial or financial transaction.*
- *Allows filing office to terminate and expunge record.*
- *Establishes appeals process.*
- *Amends § 9-510 to provide for effect of filing office termination.*
- *Adds reasons for rejection in § 9-516(b).*
- *Exemptions for licensed attorneys and financial institutions.*
- *Similar to SB 3813.*

- **Status**

- *Passed House.*
- *Awaiting third reading in Senate.*

Indiana HB 1373 & SB 382: Fraudulent Filing

- **Fraudulent Financing Statements**
 - *Makes it a crime to knowingly file a fraudulent financing statement.*
 - *Provides for expedited judicial review and additional remedies.*
 - *Allows for felony if filed to harass, intimidate or hinder the other party.*
- **Status**
 - *Failed: legislature adjourned.*

Michigan HB 4462: Fraudulent Filing

- **Real Estate Document Forgery**
 - *Creates a felony crime for a person who falsely makes, alters, forges, or counterfeits a deed, a discharge of mortgage, or a power or letter of attorney, deed, or other document that affects an interest in real property with intent to injury or defraud another person.*
- **Status**
 - *Enacted: Signed by governor on October 25, 2011*
 - *In effect since January 1, 2012.*

Michigan SB 1101: Fraudulent Filing

- **Fraudulently Filed Financing Statements**
 - *Extends current 440.9501a fraudulent filing provisions to all filing offices, not just Secretary of State.*
- **Status**
 - *Introduced April 26, 2012*
 - *Currently in committee.*

Minnesota HB 5373: Fraudulent Filing

- **Fraudulently Filed Financing Statements**
 - *Extended the felony of fraudulent or other improper finance statements to include retaliation against a sheriff or county recorder for performance of official duties regarding real property.*
- **Status**
 - *Signed by the governor on April 23, 2012*
 - *Takes effect on August 1, 2012.*

Nebraska LB 982: Fraudulent Filing

- **Removal**
 - *Provided for removal of improper or fraudulent liens.*
- **Status**
 - *Failed*

Nebraska LR 483: Fraudulent Filing

- **Study**
 - *Allowed for study of whether the UCC should be changed to allow for rejection of improper or fraudulent financing statements.*
- **Status**
 - *Failed*

New York AB 3457: Fraudulent Filing

- **Filing a False Financing Statement**

- *Provides for the filing of a certificate with the Secretary of State following the conviction of a person for filing a fraudulent financing statement.*
- *Certificate indicates the filer was convicted of filing the fraudulent financing statement.*
- *Same as SB 6354.*

- **Status**

- *Passed Assembly and Senate*

Tennessee SB 2882: Fraudulent Filing

- **Criminal Penalties**
 - *Criminalizes the act of filing a lien without a reasonable basis or legal cause to do so.*
 - *Same as SB 2823.*
- **Status**
 - *Failed: Legislature adjourned.*

Tennessee SB 2890: Fraudulent Filing

- **Drawing a Lien Without Legal Basis**

- *Makes it a class A misdemeanor for any person to knowingly prepare, sign, or file any lien or other document with the intent to encumber any real or personal property when such person has no reasonable basis or any legal cause to place such lien or encumbrance on such real or personal property.*
- *Applies to filers that are either an individual or organization.*
- *Exemptions for licensed attorneys and financial institutions.*

- **Status**

- *Enacted: Signed by governor on May 15, 2012*
- *Takes effect on July 1, 2012.*



Other Legislation

Iowa HB 631 & SB 3160: Central Filing

- **Central Filing Index for EFS**
 - *Creates centralized statewide central filing index.*
 - *Provides for master lists.*
 - *Sets requirements for content of EFS records.*
- **Status**
 - *Failed in committee.*

Tennessee HB 1569: PMSI

- **PMSI Perfection Period**

- *Extends time period for perfection of a purchase-money security interest from the non-uniform 30 days to 60 days.*
- *Creates greater risk of hidden liens.*

- **Status**

- *Failed: Legislature adjourned.*

United States Senate Bill 1390

- **Creates National Tax Lien Registry**
 - *To be maintained by the Secretary of the Treasury.*
 - *Must be accessible to the public over the Internet.*
 - *There will be no charge to search the registry.*
 - *Similar to bill introduced in 2008.*

The End

Questions?

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