

Topic: Call for Expedited Processing Procedures

Question by: Martha H. Brown

Jurisdiction: Pennsylvania

Date: August 1, 2013

Jurisdiction	Question(s)
Manitoba	
Corporations Canada	
Alabama	
Alaska	
Arizona	
Arkansas	
California	
Colorado	
Connecticut	
Delaware	

Jurisdiction	Question(s)
District of Columbia	<p>We would be very interested in hearing from states which already offer similar expedited services. We have two tier service – 1 days 24 hour \$100 and 3 day \$50 services. We offer expedited services for both walk-in, mail-in and web filings. Our regular services is between 10-15 business days turnaround; expedited service is charged for all walk-in customers since customer gets service while they wait or some opt to 3 day service; for web filings, some are exempt from expedited service such as report filings, good standing certificates, etc. (filings that system accepts right now without requiring staff review).</p> <p>What types of documents are most typically expedited and at which level of service? All types of documents including even the ones that we accept online- formation, changes, etc. some customers come in person and paying expedited fees even though they can do the same online without the fee;</p> <p>What particular challenges have you encountered with having both an expedited and regular/normal track? Like other Registrars sometimes expedited filings are mixed with regular filings; when we started the service several years ago we have encountered some complaints for charging walk-in filers the extra fees; right now it is pretty smooth process and we generate a lot of revenue that support my operation.</p> <p>If you have any written procedures you would be willing to share, they would be greatly appreciated. Like everyone else we have a form for paper filings that must go along with filings; for web filings there is a section about expedited services; web filing-all filings evidence is delivered via email and also stored under customers account for future retrieval.</p>
Florida	
Georgia	
Hawaii	
Idaho	
Illinois	
Indiana	<p>Indiana does not have any expedited fees. Because we are generally current with the work it is not uncommon to simply allow a customer to have “while you wait” service as a favor. I think our regular customers would be very upset. We don’t have any issues with regular customers abusing the “while you wait” favor, so I do not see us changing our policy.</p> <p>Our current processing times for walk-in filings are: 1. received by noon – ready by noon the next day. 2. received after noon – ready by noon in two business days.</p> <p>For mail we are generally about one to two days behind, but we sometimes process mail the same day. This depends on the time of year and how heavy the mail is.</p>
Iowa	

Jurisdiction	Question(s)
Kansas	<p>Kansas offers expedited same day services for instruments received via facsimile. I have pasted the relevant statute below. A fee of \$20 is charged for this service. Formation, amendment, and merger instruments are those most commonly received by fax. Mergers require approval by one of the attorneys in our office before filing. Therefore, if the attorneys are out of the office for any reason, the same day filing guarantee can be challenging.</p>
Kentucky	
Louisiana	<p>Louisiana offers two levels of expedited service; \$50 priority expedite (one hour turn around) and \$30 expedite service (24 hour turn around)</p> <p>Most typically expedited are original filings and mergers. Of course this depends as we get others from time to time just not at too high of a volume.</p> <p>We do not encounter challenges having expedited and non-expedited work as we have employees specifically delegated to both.</p> <p>Since we offer online filings the number of in house expedite documents we receive has decreased. We do have a counter where customers walk-in so that service is available.</p>
Maine	
Maryland	
Massachusetts	See additional comments below
Michigan	See additional comments below
Minnesota	
Mississippi	
Missouri	

Jurisdiction	Question(s)
Montana	<p>Montana has had a 2 level priority service in place for several years, and it is really popular with our customers. We will usually receive and process between 30 - 100 filings per day using this service.</p> <p>Priority status is \$20.00 + filing fee for 24 hour processing. Expedite is \$100.00 + filing fee for a 1 hour processing.</p> <p>Most of the filings we receive for this kind of processing are Articles of Incorporation/Organization, some mergers are done Expedite as well. Because of the low cost, we also get quite a few ABN Registrations and Trademarks for Priority filing.</p> <p>Some copy work will have a priority request as well, but not as often.</p> <p>Our procedures are pretty simple, there are boxes on our forms that the customer checks noting they want the service, and they must include the additional money with their filing fee. Priority service in our office means we have 24 hours from the timestamp on the filing to complete it and have it on its way back to the customer. An expedite must be processed within 1 hour of the timestamp. It is entered into our system and the compliance officer that has that duty for the day is sent a task notice by e-mail with the time requirement. When the officer completes the filing they mark the task completed with the time of completion, this allows us to track and make sure the service that is paid for is provided.</p> <p>Our biggest challenge is the fact we don't have on-line filing, so the fees must be received with the document. We recently instituted a portal system on our website so that the customer can pay the fees for a priority or expedite by credit card, print off the receipt, and fax the filing and receipt to us to speed up the process.</p>
Nebraska	
Nevada	See additional comments below
New Hampshire	
New Jersey	
New Mexico	
New York	

Jurisdiction	Question(s)												
North Carolina	<p>North Carolina has a Same Day and a 24 hour expedited filing provision. The additional fees are \$200 and \$100 respectively. At the time the document comes into the division the document is stamped with a Reg, 24 Hour, or Same day date stamp. The work is separated at that time and all expedited documents are processed first through receipting (where they are flagged as expedited in the system), then given to the document examiner section for imaging and assigned to examiners.</p> <p>The most typical document which comes in with an expedited request are creation documents and then mergers.</p> <p>Using the flagging system and assigning the separately, there haven't been any challenges.</p>												
North Dakota													
Ohio	<p>Ohio offers the following service:</p> <p>The secretary of state's office offers Super Expedite service (level two and three) for in-person filings.</p> <p>With three levels of service, business filings may be processed in as little as four business hours.</p> <table border="0" data-bbox="415 841 1102 1057"> <thead> <tr> <th data-bbox="415 841 625 873">Level of Expedite</th> <th data-bbox="701 841 877 873">Additional Fee</th> <th data-bbox="898 841 1102 873">Turnaround Time</th> </tr> </thead> <tbody> <tr> <td data-bbox="415 902 548 935">Expedite 1</td> <td data-bbox="604 902 709 935">\$100.00</td> <td data-bbox="800 902 995 935">2 business days</td> </tr> <tr> <td data-bbox="415 964 548 997">Expedite 2</td> <td data-bbox="604 964 709 997">\$200.00</td> <td data-bbox="800 964 982 997">1 business day</td> </tr> <tr> <td data-bbox="415 1026 548 1058">Expedite 3</td> <td data-bbox="604 1026 709 1058">\$300.00</td> <td data-bbox="800 1026 898 1058">4 Hours</td> </tr> </tbody> </table> <p>Super Expedite is only available for walk-in filings submitted at the Client Service Center. Level three filings submitted after 1:00 p.m. will be available the next business day.</p>	Level of Expedite	Additional Fee	Turnaround Time	Expedite 1	\$100.00	2 business days	Expedite 2	\$200.00	1 business day	Expedite 3	\$300.00	4 Hours
Level of Expedite	Additional Fee	Turnaround Time											
Expedite 1	\$100.00	2 business days											
Expedite 2	\$200.00	1 business day											
Expedite 3	\$300.00	4 Hours											
Oklahoma													
Oregon													
Pennsylvania													
Rhode Island	Rhode Island does not offer expedited service.												
South Carolina													
South Dakota													

Jurisdiction	Question(s)
Tennessee	
Texas	<p>Texas is very similar to Minnesota. Texas started providing expedited service in 1979. We have one level of service—by close of business the first business day after receipt. We will consider special requests when circumstances require quicker turnaround or filing at a specific time. The fee is \$25 per filing instrument or copy request. Expedited handling applies to documents submitted via mail, courier delivery, fax and in person delivery. We do not charge expedited fees for online submissions. Our normal turnaround for all documents is 99% within three business days.</p> <p>We do not currently track the number of documents that are submitted with a request to expedite. At one time, we estimated that 40% of paper filings were submitted with a request to expedite but that has been a number of years ago so I do not know if that estimate is still valid. I can tell you that we currently have 181 documents pending filing with a request to expedite. The numbers are always higher in the morning because we usually receive the bulk of the request shortly before 5:00 pm.</p> <p>Most requests are associated with the creation of a new business, qualification of a foreign business, a merger, conversion or other fundamental business transaction. Requests increase at the end of each calendar year or during times when filings are necessary for federal or state tax reasons.</p> <p>We do not have significant problems with expedited handling.</p>
Utah	<p>Utah has one expedite fee - \$75.00 which guarantees 24 business hours (but it usually is same day)....but with so many online services we don't see that many expedited requests</p> <p>Most of what we get are expedited certificates or certified copies.</p>
Vermont	

Jurisdiction	Question(s)
Virginia	<p>Virginia has provided expedited services since October, 2004. I have attached our current prescribed form and its instructions, which detail our procedures.</p> <p>Generally, expedited service is only offered for the documents we review, which are listed at the end of the instructions. It also includes our preliminary review service.</p> <p>The expedite form must be placed on top of the submission so it can be readily identified upon receipt.</p> <p>Our current weekly volumes are about 145 expedites from Category A, 10 preliminary reviews in Category B, and 30 reinstatements. The balance of the Category C filings are not readily available. For Category A, we receive about 3 times more requests for Next Day service than Same Day service.</p> <p>This service has been embraced by law firms effecting \$1M+ transactions and others with time-sensitive filings.</p>
Washington	
West Virginia	
Wisconsin	<p>Wisconsin has one expedited service fee which is \$25.00. The expedited service requests are acted upon by the close of business on the first business day following the date of receipt.</p> <p>Any document filing or copy request can be expedited. Most of our expedited requests are certified copy or simply copywork orders. As far as document filings, we receive a lot of expedited requests for new entity filings and mergers/conversions.</p> <p>We average around 270 expedited requests a week for document filings and copywork orders.</p> <p>The only challenge we have is when a document or service request is submitted to be expedited and we miss that and it is processed with our routine filings (in five business days). If this happens, we refund the expedited fee to the customer.</p>
Wyoming	Wyoming has a statutory five day filing deadline so we don't offer expedited service.

Additional comments:

MASSACHUSETTS:

Massachusetts offers expedited service for online and fax filings as well as certified copy and certificate requests. Almost any document may be presented to the Division through either the online or fax filing system. Currently, about 74% of all filings are made through this system. In most

instances the filings presented before 4pm through the electronic system will be reviewed by the close of that business day. The fee for this service is dependent on the fee for the transaction itself.

The fee schedule for the expedited services is below:

Expedited Cost Associated with Fax and Electronic Filings online

Transaction Cost	Transaction Fee
\$0.00-\$14.99	\$3.00
\$15.00-\$24.99	\$3.50
\$25.00-\$74.99	\$5.00
\$75.00-\$84.99	\$6.00
\$85.00-\$99.99	\$8.50
\$100.00-\$109.99	\$9.00

\$110.00-\$149.99	\$10.00
\$150.00-\$199.00	\$12.00
\$200.00-\$499.00	\$15.00
\$500.00	\$20.00
Over \$500	4.5 % of the filing fee

NEVADA:

We would be very interested in hearing from states which already offer similar expedited services. Nevada offers 1-hour, 2-hour and 24-hour expedited services. The 24-hour expedited was in place prior to 1997, with 1 and 2-hour in place since 2001. While the revenue generated was significant for some time, it has decreased substantially since 2005-2006 as more online services are added. The SoS made the determination in 2005 that expedited service fees would not apply to online services, but only to manual, paper requests. Since a significant portion of our services are now conducted online and are processed immediately, the need for expedited services has declined.

What types of documents are most typically expedited and at which level of service? New entity filings (other than domestic corps and LLCs,) foreign qualifications, copies orders, reinstatements and amendments that are not available online. Most of these services are requested on a 24-hour basis as our turnaround times for 24-hour service are generally significantly less than the 24-hours. 1 and 2-hour requests are generally used when there is a time sensitive situation that requires immediate attention. For example, 2 weeks ago, we processed an order for 25+ 1-hour expedited filings in conjunction with a business combination. We had to mobilize staff to complete the processing within the 1-hour time frame. We do however have the ability to reasonably extend the expedite period in extenuating circumstances; this rarely occurred.

What particular challenges have you encountered with having both an expedited and regular/normal track? In 1997, the SoS was 8 – 10 weeks out in all filing types, due to high volume and budget limitations and again in 2003, 2005 and 2009 when new services were added. During times of backlog, expedited filings increased to a point where staff was focusing mainly on expedited filings and were unable to get to the “regular”

filings, thus compounding the backlog. While this was great for revenue as expedite fees were significant (24-hour \$125, 2-hour \$500 and 1-hour \$1000,) public relations and staff morale suffered due to the backlogs. Customer service calls and complaints great increased as did the customer hold times. OT and additional staff were requested and approved to bring backlogs of regular filings to no more than 10 working days.

This is no longer the case. Online services have allowed backlogs to be reduced to 1 – 3 days in all divisions, with some divisions working same day much of the time, thus the need for expedited services is greatly reduced, customer satisfaction and staff moral greatly increased. Customer calls and complaints have also decreased.

If you have any written procedures you would be willing to share, they would be greatly appreciated. The statutory provisions for expedited filings are contained in <http://www.leg.state.nv.us/NRS/NRS-225.html#NRS225Sec140> . As for expedited filings received, they must be in file-able order to receive the expedited service. If deficient, the customer is notified of the deficiency and once the deficiency is resolved and the filing resubmitted, the expedite period starts over. Extra attention is given to the 1 and 2-hour expedites as these are generally more urgent for the customer and the fee is significant. If we do not complete the filing within the expedite period due to SOS error or delay, the expedite fee may be waived.

MICHIGAN:

Michigan does offer expedited service; Public Acts 217, 218, 219 and 220 (all effective January 2006) authorized expedited services for the formation of business entities and nonprofit corporations. Expedited services are also available to existing entities when submitting any other documents. The request for expedited service must be made when the document or report is submitted for review.

Most of the submissions to our office are not accompanied by a request for expedited service. In Michigan, non-expedited documents are reviewed within 10 days. Annual Reports and annual statements are reviewed in the order received but are not subject to the 10 day review period. On average, 97% of non-expedited documents are reviewed within 2-3 days.

The expedited service fees are in addition to the regular fees applicable to the specific document; in Michigan we do request the customer submit a completed for expedited service for each document. The fee schedule is as follows:

24-hour service

24-hour service- \$50 for formation documents and applications for certificate of authority.

24-hour service-\$100 for any document concerning an existing entity.

Same day service

Same day- \$100 for formation documents and applications for certificate of authority.

Same day- \$200 for any document concerning an existing entity

Review completed on day of receipt. Document and request for same day expedited service must be received by 1 p.m. EST or EDT.

Two hour- \$500

Review completed within two hours on day of receipt. Document and request for two hour expedited service must be received by 3 p.m. EST or EDT.

One hour- \$1000

Review completed within one hour on day of receipt. Document and request for 1hour expedited must be received by 4 p.m. EST or EDT.

I have included a link to the form used for requesting expedited service.

<http://www.dleg.state.mi.us/bcsc/forms/corp/corp/272.pdf>

I have also included a link detailing the fees.

http://www.michigan.gov/documents/lara/exp-fee_411703_7.pdf

Full text of email:

Good afternoon:

Pennsylvania has enacted legislation which permits the filing office to offer new expedited services for all business and UCC filings. The three levels of service are one-hour, three-hour and same day processing, for corresponding additional expedite fees. This is in addition to regular processing, which will remain the same (currently at around three days).

We would be very interested in hearing from states which already offer similar expedited services.

What types of documents are most typically expedited and at which level of service?

What particular challenges have you encountered with having both an expedited and regular/normal track?

If you have any written procedures you would be willing to share, they would be greatly appreciated.

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