



Notice of Adoption

Office of the Secretary of State UCC Filing Office Rules 8 CCR 1505-7

March 23, 2012

I. Adopted Rule Amendments

As authorized by Colorado's Uniform Commercial Code¹ and the State Administrative Procedure Act², the Colorado Secretary of State gives notice of adoption of the following amendments to the Colorado UCC Filing Office Rules³. These new and amended rules will become permanently effective on May 29, 2012.

(Additions to the current rules are reflected in SMALL CAPS and deletions from current rules are shown in ~~stricken type~~. *Annotations* may be included):

The current 8 CCR 1505-7, as effective 7/1/2003, are amended as follows:

~~Office of the Colorado Secretary of State:~~

~~Rules Amending "Filing Office Rules Adopted by the Secretary of State for the Implementation of Colorado's Uniform Commercial Code, Article 9, Secured Transactions, of Title 4, Colorado Revised Statutes, Colorado's Central Filing of Effective Financing Statement Act, Article 9.5 of Title 4, Colorado Revised Statutes, and Related Colorado Laws", repealing or relocating certain "Rules Pertaining to the Design, Implementation, and Operation of the Central Information System" and the repeal of "Colorado Central Indexing System Board Rules."~~

~~Statement of Findings and Reasons for Temporary Adoption~~

~~The Colorado Secretary of State finds that immediate adoption and prompt effectiveness of these Rules are imperatively necessary to comply with law, and that compliance with the full requirements of § 24 40103, C.R.S., would therefore be contrary to public interest, for the following reasons:~~

¹ Article 9 of Title 4, C.R.S. (2011).

² Section 24-4-103, C.R.S. (2011).

³ 8 CCR 1505-7.

Pursuant to the above cited statute, a permanent rule cannot take effect sooner than “twenty days after publication of the rule as finally adopted” (§ 24-4-103(5), C.R.S.), while a temporary rule can “become effective on adoption or on such later date as is stated in the rule” (§24-4-103(6), C.R.S.). These rules must therefore be adopted on a temporary basis because they are necessary for the implementation of S.B. 03-041, which was enacted during the 2003 Regular Legislative Session, which was signed into law by the Governor on May 14, 2002 and which has an effective date of July 1, 2002. S.B. 03-041 provides for the “sunset” of the Central Information System Board effective July 1, 2003. These rules repeal and relocate the rules pertaining to the Central Information System Board and the Central Information System. These rules also address resolutions adopted by the International Association of Commercial Administrators (IACA) pertaining to the Model Administrative Rules. Pursuant to § 4-9-526, C.R.S., the Secretary of State must adopt and publish rules, taking into consideration filing offices of other jurisdictions and the model rules promulgated by IACA. IACA passed resolutions amending section 208 and 405 of the Model Administrative Rules in June 2003. The Secretary of State is adopting these amended rules having taken into consideration the resolutions adopted by IACA and incorporating said resolutions into these amended rules.

DEPARTMENT OF STATE

SECRETARY OF STATE

UCC FILING-OFFICE RULES

~~Section 1~~ — General Provisions

SECTION 1. GENERAL PROVISIONS

100 STATEMENT OF PURPOSE. THE SECRETARY OF STATE ADOPTS THESE UCC FILING-OFFICE RULES FOR THE IMPLEMENTATION OF ARTICLE 9, UNIFORM COMMERCIAL CODE – SECURED TRANSACTIONS, OF TITLE 4, C.R.S.; ARTICLE 9.5, CENTRAL FILING OF EFFECTIVE FINANCING STATEMENT ACT, OF TITLE 4, C.R.S.; ARTICLE 9.7, THE COLORADO STATUTORY LIEN REGISTRATION ACT, OF TITLE 4, C.R.S.; PART 3, REDACTION OF TAX IDENTIFICATION NUMBERS, OF ARTICLE 21 OF TITLE 24, C.R.S., AND FEDERAL LAWS.

~~100~~101 Policy statement. The administration of the ~~UCC~~ UNIFORM COMMERCIAL CODE (“UCC”) has an important impact on the economy and upon the rights of the public, in this ~~state~~ STATE, in the United States, and internationally. The volume of ~~international~~, interstate, and multi-state, AND INTERNATIONAL transactions pursuant to UNDER the UCC AND OTHER COMMERCIAL TRANSACTION LAWS requires that the administration of the ~~UCC~~ THESE LAWS be conducted in a manner that promotes both local and multi-jurisdictional commerce by striving for uniformity in policies and procedures among the various jurisdictions that SUBSTANTIALLY enact ~~substantially~~ the UCC AND OTHER RELATED COMMERCIAL TRANSACTION LAWS.

101.1 As provided in ~~§ 9-526 of the UCC~~ SECTIONS 4-9-526, 4-9.5-110(2), 4-9.7-109, AND 24-21-302(5), C.R.S., the interpretation and implementation of the ~~filing office’s~~ SECRETARY OF STATE’S duties and responsibilities ~~shall~~ WILL be

expressed in a written set of administrative rules, which the public shall WILL have a voice in creating. ~~Such~~THE rules have the following purposes:

101.1.1 To simplify and improve the administration of the UCC AND OTHER COMMERCIAL LAWS by promoting ~~uniform UCC filing procedures in the jurisdictions that enact substantially part 5 of the UCC~~ UNIFORMITY;

101.1.2 To ~~simplify the public's ability to~~ HELP THE PUBLIC discover and understand the UCC SECRETARY OF STATE'S filing procedures of the ~~various jurisdictions by establishing a uniform framework for describing the procedures;~~

101.1.3 To increase public access to information;

101.1.4 To increase public participation in the formulation of administrative policy and procedures; and

101.1.5 To increase THE SECRETARY OF STATE'S public accountability ~~of the filing officer.~~

~~101102~~ Definitions. The following terms ~~shall have the respective meanings provided~~ ARE USED AS DEFINED in this rule. Terms not defined in this rule, which are defined in the UCC ~~shall have the respective meanings accorded such terms in the UCC~~, THE CENTRAL FILING OF EFFECTIVE FINANCING STATEMENT ACT, THE COLORADO STATUTORY LIEN REGISTRATION ACT, OR SECTION 24-21-301, C.R.S., ARE USED AS DEFINED IN THE APPLICABLE ACT OR SECTION.

~~101.1~~ "Amendment" means a UCC document that purports to amend the information contained in a financing statement. ~~Amendments include assignments, continuations and terminations.~~

102.1 "ADDRESS" MEANS EITHER (I) A STREET ADDRESS, ROUTE NUMBER (MAY INCLUDE BOX), OR POST OFFICE BOX NUMBER PLUS THE CITY, STATE, AND ZIP CODE, OR (II) AN ADDRESS THAT PURPORTS TO BE A MAILING ADDRESS OUTSIDE THE UNITED STATES OF AMERICA.

~~101.2~~102.2 "Assignment" is ~~is~~ MEANS an amendment that purports to reflect an ~~assignment~~ A TRANSFER of all or a part of a secured party's or claimant's power to authorize an amendment to a financing statement OF A SECURED TRANSACTION RECORD.

~~101.3~~ "Computer readable form" means a form in which information or data may be stored and/or accessed by a computer including but not limited to tangible storage media such as floppy disks or CD-ROMs, or information or data which is made available by direct computer access, or any other appropriate electronic information storage form, format or medium as determined by the Secretary of State.

- ~~101.4~~ “Continuation” means an amendment that purports to continue the effectiveness of a financing statement.
- ~~101.5~~102.3 “Correction statement” means a UCC document~~RECORD~~ that purports to indicate that a financing statement is inaccurate or wrongfully filed.
- ~~101.6~~ “Debtor” means a person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor; a seller of accounts, chattel paper, payment intangibles, or promissory notes; or a consignee. Instead of the term “debtor”, the terms “consignee”, “bailee”, “lessee”, “licensee”, “owner”, “seller”, or other words of similar import may be used in the filing of a UCC document.
- ~~101.7~~102.4 “Direct computer access” means remote access by computer to information or data available in ON computer-readable form or format including but not limited to information available on the series of inter-related Internet pages on the Secretary of State’s website, and by ftp OTHER MEANS OF DATA TRANSFER.
- ~~101.8~~102.5 “EFS” means Effective Financing Statement effective financing statement.
- ~~101.9~~102.6 The “EFS Act” means the Central Filing of Effective Financing Statement Act, §§ 4-9.5-10.1, et seq. ARTICLE 9.5 OF TITLE 4, C.R.S.
- ~~101.10~~102.7 “Electronic filing” means a UCC document filing effectuated utilizing METHOD THAT UTILIZES SECRETARY OF STATE’S ELECTRONIC FILING APPLICATION AVAILABLE THROUGH the Secretary of State’s website and in accordance with rules 106.5 and 371 OR THE SYSTEM-TO-SYSTEM TRANSFER METHOD.
- 102.8 “ELECTRONIC FILING APPLICATION” MEANS THE WEB-BASED COMPUTER APPLICATION THAT IS USED TO FILE A SECURED TRANSACTION RECORD WITH THE SECRETARY OF STATE.
- 102.9 “ELECTRONIC SEARCHING APPLICATION” MEANS THE WEB-BASED COMPUTER APPLICATION THAT IS USED TO SEARCH THE SECURED TRANSACTION RECORDS MAINTAINED BY THE SECRETARY OF STATE.
- ~~101.11~~102.10 “File number” means the unique identifying information NUMBER THE SECRETARY OF STATE ASSIGNS assigned to a SECURED TRANSACTION RECORD. ~~an initial financing statement by the filing officer for the purpose of identifying the initial financing statement and UCC documents relating to the initial financing statement in the filing officer’s information management system. On or after January 1, 2000, a file number includes two segments; the year of filing expressed as a four-digit number, followed by a unique seven-digit number. As soon after July 1, 2001 as is practicable, a file number may include a one-digit verification number assigned by the filing office but mathematically derived from the numbers in the first two segments. A file number bears no relation to the time of filing and is not an indicator of priority.~~

~~101.12 “Filing office” and “central filing office” mean the Colorado Secretary of State’s office. “Filing officer” and “central filing officer” mean the Colorado Secretary of State.~~

102.11 "FILER" MEANS A PERSON WHO COMPLETES AND SUBMITS A SECURED TRANSACTION RECORD TO THE SECRETARY OF STATE FOR FILING, WHETHER OR NOT THE PERSON IS AN AGENT OF A PERSON AUTHORIZED TO SUBMIT THE RECORD FOR FILING.

~~101.13 “Financing statement” means a record or records composed of an initial financing statement and any filed record(s) relating to the initial financing statement.~~

~~101.14 “Individual” means a human being, or a decedent in the case of a debtor that is such decedent’s estate.~~

~~101.15~~102.12 “Initial financing statement” means a UCC documentRECORD that does not identify itself as an amendment or a correction statement, or DOES NOT identify an initial financing statement to which it relates, as required by UCC § 9-512, 9-514 or 9-518.

102.13 “LAPSED” OR “LAPSED RECORD” MEANS A MASTER RECORD WHOSE PERIOD OF EFFECTIVENESS HAS EXPIRED.

102.14 “LIEN REGISTRATION ACT” MEANS THE COLORADO STATUTORY LIEN REGISTRATION ACT, ARTICLE 9.7 OF TITLE 4, C.R.S.

102.15 “MASTER RECORD” MEANS A RECORD OPENING DOCUMENT AND ANY AMENDMENT OR CORRECTION RELATED TO THE RECORD OPENING DOCUMENT.

~~101.16~~102.16 “Online services” means the ELECTRONIC FILING APPLICATION, THE ELECTRONIC SEARCHING APPLICATION, THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM AND ANY OTHER DIRECT COMPUTER ACCESS THAT IS AVAILABLE ON OR ACCESSED THROUGH THE SECRETARY OF STATE’S WEBSITE. ~~interactive computer applications for UCC document filing and search functions, including direct computer access, available on or through the series of inter-related web pages which comprise the Secretary of State’s web site on the global network of computers known as the Internet.~~

~~101.17 “Organization” means a legal person who is not an individual under rule 101.10.~~

~~101.18 “Remitter” means a person who tenders a UCC document to the Secretary of State 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 Secretary of State’s 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.~~

~~101.19 “Secured party” means a person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be~~

~~secured is outstanding; a person that holds an agricultural lien; a consignor, a person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold; or a trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for. Instead of the term “secured party”, the terms “consignor”, “bailor”, “lessor”, “licensor”, “registered owner”, “buyer” or other words of similar import may be used in the filing of a UCC document.~~

~~101.20 “Secured party of record” means, with respect to a financing statement, a person whose name is provided as the name of a secured party or a representative of the secured party in an initial financing statement that has been filed. If an initial financing statement is filed under UCC § 9-514(a), the assignee named in the initial financing statement is a secured party of record with respect to the financing statement. If an amendment of a financing statement which provides the name of a person as a secured party or a representative of a secured party is filed, the person named in the amendment is a secured party of record. If an amendment is filed under UCC § 9-514(b), the assignee named in the amendment is a secured party of record. A person remains a secured party of record until the filing of an amendment of the financing statement which deletes the person.~~

~~101.21 “Termination” means an amendment intended to indicate that the related financing statement has ceased to be effective with respect to the secured party authorizing the termination.~~

102.17 “RECORD OPENING DOCUMENT” MEANS AN INITIAL FINANCING STATEMENT, AN EFFECTIVE FINANCING STATEMENT, NOTICE OF LIEN, OR OTHER RECORD THAT CREATES A NEW MASTER RECORD. THE USE OF THE TERM “RECORD OPENING DOCUMENT” IN THESE RULES HAS NO RELATION TO THE DEFINITION OF THE TERM “DOCUMENT” IN UCC §9-102(A)(30). SECTION 4-9-102(A)(30), C.R.S.

102.18 “SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM” MEANS THE COMPUTER SYSTEM USED BY THE SECRETARY OF STATE TO RECORD, INDEX, PROVIDE PUBLIC ACCESS TO, AND OTHERWISE MANAGE SECURED TRANSACTION RECORDS.

102.19 “SECURED TRANSACTION RECORD” MEANS ANY RECORD THAT IS REQUIRED OR PERMITTED TO BE FILED WITH THE SECRETARY OF STATE UNDER THE UCC, EFS ACT, OR THE LIEN REGISTRATION ACT, EXCEPT ANY LIEN FILED UNDER FEDERAL LAW.

102.20 “SYSTEM-TO-SYSTEM TRANSFER METHOD” MEANS THE ELECTRONIC COMMUNICATION STANDARD AUTHORIZED BY THE SECRETARY OF STATE FOR THE TRANSFER OF SECURED TRANSACTION RECORDS FROM A FILER TO THE SECRETARY OF STATE. THIS TYPE OF TRANSFER IS OFTEN REFERRED TO AS XML FILING.

102.21 “TAXPAYER IDENTIFICATION NUMBER” MEANS A SOCIAL SECURITY NUMBER, AN EMPLOYER IDENTIFICATION NUMBER, OR AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER.

- ~~101.22~~102.22 “UCC” means the Uniform Commercial Code - Secured Transactions, codified at §§~~4-9-101, et seq.~~, ARTICLE 9 OF TITLE 4, C.R.S., as adopted in this state and in effect from time to time.
- ~~101.23~~102.23 “UCC documentRECORD” means an initial financing statement, an amendment, an assignment, a continuation, a termination, or a correction statement FILED UNDER THE UCC. The word “document” in the term “UCC document” shall not be deemed to refer exclusively to paper or paper-based writings; it being understood that 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” “UCC RECORD” in these rules has no relation to the definition of the term “document” “RECORD” in UCC §~~9-102(a)(30).~~) SECTION 4-9-102(A)(72), C.R.S.
- 102.24 “UNIQUE IDENTIFIER” MEANS THE TEN DIGIT NUMBER USED TO IDENTIFY A DEBTOR NAMED IN AN EFS OR AN EFS AMENDMENT.
- 102.25 “UNLAPSED” OR “UNLAPSED RECORD” MEANS A MASTER RECORD ON FILE WITH THE SECRETARY OF STATE WHOSE PERIOD OF EFFECTIVENESS HAS NOT EXPIRED.
- ~~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 to file. The Secretary of State’s office is the office for filing UCC documents relating to all types of collateral except for timber to be cut, as extracted collateral (UCC §~~9-102(a)(6)~~) and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures. Regardless of the nature of the collateral, the Secretary of State’s office is the office for filing all UCC documents where the debtor is a transmitting utility.
- ~~104~~ Filing office identification. In addition to the promulgation of these rules, the Secretary of State’s office will disseminate information of its location, mailing address, telephone and fax numbers, and its Internet and other electronic “addresses” through usual and customary means.
- ~~104.1~~ Online information services. The Secretary of State offers online information and electronic filing and search services through the web site of the Secretary of State at <http://www.sos.state.co.us>. A description of services is available from the Secretary of State,
- ~~105~~ Office hours. Although the Secretary of State’s office maintains regular office hours, it receives transmissions electronically and by telefacsimile 24 hours per day, 365 days per year, except for scheduled maintenance and unscheduled interruptions of service. Electronic communications may be retrieved and processed periodically (but no less often than once each day the Secretary of State’s office is open for business) on a batch basis.

~~105.1 “Business day” means any business day of the central filing office, Monday through Friday, excluding state-recognized legal holidays.~~

~~105.2 “Business hours”, “business day hours”, or “office hours” means the business hours of the central filing office, 7:30 a.m. to 5:00 p.m~~

~~106-103 UCC document delivery. UCC documents may be communicated to the Secretary of State’s office as follows. DELIVERY OF SECURED TRANSACTION RECORDS. THE SECRETARY OF STATE AUTHORIZES ELECTRONIC FILING AS THE SOLE METHOD OF COMMUNICATION FOR THE FILING OF SECURED TRANSACTION RECORDS. FILERS MUST COMMUNICATE SECURED TRANSACTION RECORDS TO THE SECRETARY OF STATE THROUGH THE ELECTRONIC FILING APPLICATION OR BY TRANSMISSION USING THE SYSTEM-TO-SYSTEM TRANSFER METHOD. THE SECRETARY OF STATE WILL REFUSE TO ACCEPT ANY SECURED TRANSACTION RECORDS DELIVERED BY OTHER NON-AUTHORIZED METHODS OF COMMUNICATION, INCLUDING BUT NOT LIMITED TO PERSONAL DELIVERY, EXPRESS MAIL DELIVERY, POSTAL DELIVERY, AND TELEFACSIMILE.~~

~~106.1 Personal delivery, to the Secretary of State’s street address during business hours. The file time for a UCC document delivered by this method is when the UCC document is received by the Secretary of State’s office (even though the UCC document may not yet have been accepted for filing) unless the UCC document is subsequently rejected.~~

~~106.2 Express Mail delivery, to the Secretary of State’s street address. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, at the earlier of the time the UCC document is first examined by a filing officer for processing (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected), or the next close of business following the time of delivery. A UCC document delivered after regular business hours or on a day the Secretary of State is not open for business, if not examined for processing sooner, will have a filing time of the close of business on the next day the Secretary of State is open for business.~~

~~106.3 Postal service delivery, to the Secretary of State’s mailing address. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, at the earlier of the time the UCC document is first examined by a filing officer for processing (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected), or the next close of business following the time of delivery.~~

~~106.4 Telefaesimile delivery, to the Secretary of State’s fax filing telephone number. The file time for a UCC document delivered by this method is, notwithstanding the time of deli very, at the earlier of the time the UCC document is first examined by a filing officer for processing (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected), or the next close of business following the time of delivery. A UCC document delivered after regular business hours or on a day the Secretary of State’s office is not open for business,~~

~~if not examined for processing sooner, will have a filing time of the close of business on the next day the Secretary of State's office is open for business.~~

~~106.4.1 Reserved~~

~~106.5 Electronic filing. UCC documents may be transmitted electronically by online data entry as described in rules 371. The file time for a UCC document delivered by this method is the time that the Secretary of State's system analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine readable. UCC documents may also be transmitted using standards developed by the Secretary of State for electronic transmission of documents for filing.~~

~~106.5.1 Electronic Mail. Electronic mail shall not be used for delivering or communicating UCC documents to the Secretary of State.~~

103.1 FILING TIME. THE FILE TIME FOR A SECURED TRANSACTION RECORD DELIVERED BY THIS METHOD IS THE TIME THAT THE SECRETARY OF STATE'S SYSTEM ANALYZES THE RELEVANT TRANSMISSION AND DETERMINES THAT ALL THE REQUIRED ELEMENTS OF THE TRANSMISSION HAVE BEEN RECEIVED IN A REQUIRED FORMAT.

~~103.1~~103.2 HARDSHIP DELIVERY. IN THE CASE OF HARDSHIP OR OTHER GOOD CAUSE, THE SECRETARY OF STATE MAY, AT ITS DISCRETION, ALLOW FOR THE COMMUNICATION OF A SECURED TRANSACTION RECORD BY A METHOD OF COMMUNICATION OTHER THAN ELECTRONIC FILING. HARDSHIP DELIVERY MAY ONLY OCCUR AFTER THE FILER HAS RECEIVED PRIOR APPROVAL FROM THE SECRETARY OF STATE. REQUIREMENTS CONCERNING THE FILING AND DATA ENTRY OF A HARDSHIP DELIVERY ARE SET FORTH IN RULE 414.

~~103.2~~103.3 DELIVERY OF FEDERAL LIENS AND RECORDS. ANY LIEN OR RECORD CREATED IN ACCORDANCE WITH FEDERAL LAW MAY BE DELIVERED TO THE SECRETARY OF STATE BY ANY METHOD OF COMMUNICATION AUTHORIZED BY FEDERAL LAW OR BY ARRANGEMENT BETWEEN THE SECRETARY OF STATE AND THE UNITED STATES GOVERNMENT. THE FILING TIME FOR A RECORD DELIVERED BY THIS METHOD IS, NOTWITHSTANDING THE TIME OF DELIVERY, AT THE EARLIER OF THE TIME THE RECORD IS FIRST EXAMINED BY A FILING OFFICER FOR PROCESSING (EVEN THOUGH THE RECORD MAY NOT YET HAVE BEEN ACCEPTED FOR FILING AND MAY BE SUBSEQUENTLY REJECTED).

~~107~~104 Search request delivery. UCC search requests may be delivered to the Secretary of State's office by electronic mail and by any of the means by which UCC documents may be delivered to the Secretary of State's office, other than electronic filing. Requirements concerning search requests are set forth in rule 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. The relevant search fee may be tendered with the initial financing statement, or may be paid upon receipt of an invoice from the Secretary of State's office. SEARCH REQUEST DELIVERY. THE ELECTRONIC SEARCHING APPLICATION WILL BE THE SOLE METHOD

OF DELIVERING A SEARCH REQUEST AND OBTAINING THE RESULTS OF A SEARCH REQUEST. AN INDIVIDUAL CONDUCTING A SEARCH OR REQUESTING CERTIFIED SEARCH RESULTS WILL ONLY BE ABLE TO DO SO THROUGH THE ELECTRONIC SEARCHING APPLICATION OF THE SECRETARY OF STATE'S WEBSITE. REQUIREMENTS CONCERNING SEARCH REQUESTS ARE SET FORTH IN RULE 501.

104.1 HARDSHIP SEARCH REQUESTS. IN THE CASE OF HARDSHIP, THE SECRETARY OF STATE MAY ALLOW FOR THE COMMUNICATION OF A SECURED TRANSACTION SEARCH REQUEST BY A METHOD OTHER THAN THE ELECTRONIC SEARCHING APPLICATION. HARDSHIP SEARCH REQUESTS MAY ONLY OCCUR AFTER THE SEARCHER HAS RECEIVED PRIOR APPROVAL FROM THE SECRETARY OF STATE. REQUIREMENTS CONCERNING PROCESSING OF A HARDSHIP SEARCH REQUEST ARE SET FORTH IN RULE 507.

~~108105~~ Approved forms. ~~Forms for UCC documents that conform to the requirements of these rules will be acceptable by the Secretary of State, provided, however, the Secretary of State reserves the right, after notice, to require that all written documents be exclusively on forms approved by the Secretary of State. In the event the Secretary of State requires the exclusive use of forms approved by the Secretary of State, notice of such requirement and such forms shall be published on the Secretary of State's web site and shall otherwise be made available on request.~~ A FILING OFFICE THAT ACCEPTS WRITTEN RECORDS, IN ACCORDANCE WITH THE UCC, MAY ACCEPT A WRITTEN FINANCING STATEMENT THAT IS PRESENTED ON A FORM AND FORMAT AUTHORIZED BY THIS RULE.

~~108.1~~ Statutory forms. ~~Reserved.~~

~~108.2~~105.1 IACA forms approved. ~~Reserved.~~ THE USE OF EACH UCC FORM PROMULGATED BY THE INTERNATIONAL ASSOCIATION OF COMMERCIAL ADMINISTRATORS (IACA), OR A SUBSTANTIAL EQUIVALENT, ARE APPROVED BY THE SECRETARY OF STATE AND MAY BE FILED IN A FILING OFFICE THAT ACCEPTS WRITTEN RECORDS.

~~108.3~~105.2 Secretary of State-approved FORMS. ~~A form for the relevant UCC document approved by the office of the Secretary of State will be acceptable. Copies of all such forms shall be made available to prospective filers and remitters upon request.~~ THE USE OF A PRINTED COPY OF THE IMAGE OF A RECORD THAT IS GENERATED BY THE ELECTRONIC FILING APPLICATION IS APPROVED BY THE SECRETARY OF STATE AND MAY BE FILED IN A FILING OFFICE THAT ACCEPTS WRITTEN RECORDS.

~~108.4~~ Electronic filings. ~~A UCC document transmitted electronically pursuant to online data entry procedures set forth in rules 370 et seq., or transmitted electronically according to standards developed by the Secretary of State will be acceptable.~~

~~109106~~ Form—UCC search. ~~The forms that are provided on the Secretary of State's web site, or are provided by the Secretary of State, will be acceptable for requesting a UCC search.~~ SECURED TRANSACTIONS SEARCH APPLICATION. SEARCHES OF THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM ARE PERFORMED BY UTILIZING THE

ELECTRONIC SEARCHING APPLICATION. ELECTRONIC SEARCHING IS THE SOLE METHOD USED TO SEARCH THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM AND THE SECRETARY OF STATE DOES NOT ACCEPT WRITTEN SEARCH REQUESTS.

~~110 Forms suppliers. Reserved.~~

~~111107 Fees. Fees for processing UCC documents, searches, copies and other services will be adopted and published by the Secretary of State from time to time. Information, instructions, and a fee schedule are available on request and from the web site of the Secretary of State. FEES WILL BE ADOPTED AND PUBLISHED BY THE SECRETARY OF STATE FROM TIME TO TIME. INFORMATION, INSTRUCTIONS, AND A FEE SCHEDULE ARE AVAILABLE ON THE SECRETARY OF STATE'S WEBSITE.~~

~~111.1 Filing fee. Reserved.~~

~~111.2 Additional fees. Reserved.~~

~~111.3 UCC search fee. Reserved.~~

~~111.4 UCC search copies. Reserved.~~

~~112108 Expedited services. Expedited processing of UCC documentRECORDS and searches is not available.~~

~~112.1 Reserved.~~

~~112.1.1 Acceptance and Refusal Process. Reserved.~~

~~112.1.2 Responding to UCC search request. Reserved.~~

~~112.2 How to request expedited service. Reserved.~~

~~112.2.1 Acceptance and refusal process. Reserved.~~

~~112.2.2 Responding to UCC search request. Reserved.~~

~~113109 Methods of payment. Filing fees and fees for public records services may be paid by the following methodsIN ACCORDANCE WITH THE FOLLOWING RULES:~~

~~113.1109.1 Cash. The Secretary of State discourages cash payment unless made in person to the cashier at the Secretary of State's office. THE SECRETARY OF STATE DOES NOT ACCEPT CASH PAYMENT FOR SECURED TRANSACTION SERVICES.~~

~~113.2109.2 Checks. Checks made payable to the Secretary of State, including checks in an amount to be filled in by the Secretary of State but not to exceed a particular amount, will be accepted for payment. THE SECRETARY OF STATE DOES NOT ACCEPT PAYMENT BY CHECK FOR SECURED TRANSACTION SERVICES.~~

~~113.3~~109.3 Electronic funds transfer. ~~Reserved.~~ THE SECRETARY OF STATE DOES NOT ACCEPT PAYMENT BY ELECTRONIC FUNDS TRANSFER FOR SECURED TRANSACTION.

~~113.4~~109.4 Prepaid account. Information, ~~instructions, and applications are~~ REGARDING PREPAID ACCOUNT USAGE IS AVAILABLE ~~on~~ UPON request and ~~from~~ ON the SECRETARY OF STATE'S ~~web site~~-WEBSITE of the Secretary of State.

~~113.5~~109.5 Debit Cards. ~~Reserved.~~ INFORMATION REGARDING DEBIT CARD USAGE IS AVAILABLE UPON REQUEST AND ON THE SECRETARY OF STATE'S WEBSITE.

~~113.6~~109.6 Credit card. Information regarding credit card usage is available ~~on~~ UPON request and ~~from~~ ON the SECRETARY OF STATE'S website ~~of the Secretary of State.~~

~~113.7~~ Other account. ~~Reserved.~~

109.7 HARDSHIP PAYMENT METHOD. IN THE CASE OF HARDSHIP, THE SECRETARY OF STATE MAY ALLOW FOR THE PAYMENT OF FEES BY AN ALTERNATIVE METHOD OF PAYMENT AUTHORIZED BY THE SECRETARY OF STATE. HARDSHIP PAYMENT MAY ONLY OCCUR AFTER THE FILER HAS RECEIVED PRIOR APPROVAL FROM THE SECRETARY OF STATE.

114110 Overpayment and underpayment policies.

~~114.1~~110.1 Overpayment. ~~The Secretary of State shall refund an overpayment only upon the written request of the remitter.~~ INFORMATION REGARDING THE REFUND OF AN OVERPAYMENT IS AVAILABLE UPON REQUEST AND ON THE SECRETARY OF STATE'S WEBSITE.

~~114.2~~110.2 Underpayment. ~~Upon receipt of a document with an insufficient fee, the Secretary of State shall do the following:~~ THE ELECTRONIC FILING APPLICATION AND THE SYSTEM-TO-SYSTEM TRANSFER METHOD WILL NOT ALLOW A RECORD TO BE SUBMITTED WITH INSUFFICIENT FEE.

~~114.2.1~~ ~~Reserved.~~

~~114.2.2~~ ~~The document shall be returned to the remitter as provided in rule 205 and the amount tendered may be applied to any applicable reject fee.~~

115111 ~~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~~ SECURED TRANSACTION RECORDS and copies of data from the ~~UCC~~ SECURED TRANSACTIONS information management system.

~~115.1~~111.1 Individually identified ~~documents~~RECORDS. ~~Copies~~-IMAGES of individually identified ~~UCC documents are available in the following forms:~~ SECURED TRANSACTION RECORDS WILL BE MADE AVAILABLE, WHEN POSSIBLE, BY USING THE ELECTRONIC SEARCHING APPLICATION.

~~115.1.1 Manually filed documents are made available as either paper copies of the original documents, or as summary descriptions of the documents electronically filed as retrieved from the UCC Information Management System as described in Section 3 of these rules.~~

~~115.2111.2 Bulk copies IMAGES of documents SECURED TRANSACTION RECORDS. Reserved. THE SECRETARY OF STATE WILL PROVIDE A BULK IMAGE SUBSCRIPTION SERVICE.~~

~~115.2.1 Reserved.~~

~~115.3111.3 Data from the information management system. THE SECRETARY OF STATE WILL PROVIDE A BULK DATA SUBSCRIPTION SERVICE. A list of available data elements from the UCC-SECURED TRANSACTIONS information management system, and the file layout of the data elements, is available from the Secretary of State upon request. Data from the information management system is available as follows:~~

~~115.3.1 Full extract. A bulk data extract of information from the UCC information management system is available on a weekly basis.~~

~~115.3.2 Update extracts. Reserved.~~

~~115.3.3 Format. Extracts from the UCC information management system are currently available in computer readable CD ROM format, by direct computer access, and may be made available in other or additional formats by the Secretary of State from time to time. Individuals should check with the Secretary of State from time to time to determine which formats, including file or computer system formats, are currently available.~~

~~115.4111.4 Direct online services. UCC SECURED TRANSACTIONS data and images are available online FROM THE SECRETARY OF STATE'S WEBSITE. THE SIZE AND NUMBER OF DATA OR IMAGES MAY BE LIMITED BY THE SECRETARY OF STATE IN ORDER TO ADDRESS ANY TECHNICAL LIMITATION OR TO MAINTAIN CONTINUITY OF SERVICE. A description of services is available from the Secretary of State.~~

~~116112 Fees for public records services. Fees for public records services will be adopted and published by the Secretary of State from time to time. Information, instructions, and a fee schedule is available on UPON request and from ON the SECRETARY OF STATE'S website of the Secretary of State.~~

~~116.1 Paper copies of individual documents. Reserved.~~

~~116.2 Bulk copies of documents. Reserved.~~

~~116.3 Data from the information management system. Reserved.~~

~~116.4 Third party online services. Reserved~~

~~117 New practices and technologies. The Secretary of State is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, UCC 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 UCC filing system utilizing any of such technologies. In developing and utilizing technologies and practices, the Secretary of State shall, to the greatest extent feasible, take into account compatibility and consistency with, and whenever possible be uniform with, technologies, practices, policies and regulations adopted in connection with UCC filing systems in other states.~~

Numbers 118 through 199 are reserved.

113 LIENS CREATED UNDER FEDERAL LAW WILL BE RECORDED, INDEXED, AND MANAGED IN THE SAME FASHION AS SECURED TRANSACTION RECORDS.

~~Section 2 — Acceptance and Refusal of Documents~~

SECTION 2. ACCEPTANCE AND REFUSAL OF RECORDS

200 ~~Policy statement~~ ROLE OF THE FILING OFFICE. The duties and responsibilities of the Secretary of State with respect to the administration of the UCC, THE EFS ACT, AND LIEN REGISTRATION ACT are ministerial. In accepting for filing or refusing to file a UCC document pursuant to SECURED TRANSACTION RECORD IN ACCORDANCE WITH THESE rules, the Secretary of State ~~is not required, obligated, or expected to~~ DOES NOT do any of the following:

200.1 Determine the legal sufficiency or insufficiency of a ~~document~~ RECORD.

200.2 Determine that a security interest in collateral exists or does not exist.

200.3 Determine that information in the ~~document~~ RECORD is correct or incorrect, in whole or in part.

200.4 Create a presumption that information in the ~~document~~ RECORD 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 rule 202, a UCC document~~ A RECORD THAT DOES NOT HAVE A GROUND FOR REFUSAL is filed upon its receipt by the Secretary of State with the APPLICABLE filing fee. ~~and the~~ THE Secretary of State shall promptly WILL assign a file number to the UCC document SECURED TRANSACTION RECORD UPON RECEIPT and PROMPTLY index it THE RECORD in the SECURED TRANSACTIONS information management system.

202 Grounds for refusal of a UCC ~~document~~ RECORD. The following grounds are the sole grounds for the Secretary of State'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 a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases. THE REASONS SET FORTH IN SECTION 4-9-

516(B), C.R.S., ARE THE SOLE GROUNDS FOR THE SECRETARY OF STATE TO REFUSE TO FILE A UCC RECORD. THESE REASONS ARE ELABORATED BELOW IN THIS RULE.

202.1 SOME OR ALL OF THE INFORMATION PROVIDED IN THE UCC RECORD IS ILLEGIBLE. LEGIBILITY IS NOT LIMITED TO WRITTEN EXPRESSIONS ON PAPER. A LEGIBLE RECORD MUST BE SUBMITTED IN THE FORM AND FORMAT AND USING THE MEDIUM REQUIRED BY THE SECRETARY OF STATE. ~~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 Secretary of State 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.~~

~~202.2 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 (if it has one) or a statement that it does not have one.~~

~~202.3 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 or assigned party name or address and some names or addresses are missing or illegible, the Secretary of State 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 and/or assigned party name(s) that was (were) indexed, and a statement that secured and assigned parties with illegible or missing names or addresses were not indexed.~~

~~202.4~~202.2 Lack of identification of initial financing statement. ~~A UCC document other than an initial financing statement shall~~ AN AMENDMENT OR CORRECTION STATEMENT WILL be refused if the ~~document~~RECORD does not provide a legible file number of a financing statement in the UCC-SECURED TRANSACTIONS information management system that has not lapsed, ~~and~~ the date that the initial financing statement was filed, and, for an amendment to an initial financing statement filed on or prior to December 31, 1999, an indication of the filing office in which- the initial financing statement was filed.

~~202.5 Identifying information. A UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by UCC §9-512, 9-514 or 9-518, is an initial financing statement.~~

~~202.6~~202.3 Timeliness of continuation. A continuation ~~shall~~ STATEMENT WILL be refused if it is ~~not~~ received ~~during the~~ MORE THAN SIX-MONTHS BEFORE ~~period~~ concluding on the day upon which the related THE financing statement's would lapse DATE OR AFTER THE FINANCING STATEMENT'S LAPSE DATE.

~~202.6.1~~202.3.1 First day permitted. The first day on which a continuation STATEMENT may be filed is the DAY OF ~~date of the month corresponding to the date upon which the financing statement would lapse, six 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 THAT CORRESPONDS TO THE DAY OF THE MONTH ON WHICH THE FINANCING STATEMENT WOULD LAPSE. IF THERE IS NO SUCH CORRESPONDING DATE, the first day on which a continuation STATEMENT 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~~ ANY date ~~if~~ THAT the Secretary of State's office ELECTRONIC FILING APPLICATION is ~~not open on such date~~ UNAVAILABLE, SUCH AS DURING TIME OF REGULAR SYSTEM MAINTENANCE.

~~202.6.2~~202.3.2 Last day permitted. The last day on which a continuation STATEMENT may be filed is the date ~~upon~~ ON which the financing statement lapses, ALTHOUGH FILING MAY NOT BE POSSIBLE ON ANY DATE THAT THE ELECTRONIC FILING APPLICATION IS UNAVAILABLE, SUCH AS DURING TIME OF REGULAR SYSTEM MAINTENANCE.

~~202.7 Fee. A document shall be refused if the document is accompanied by less than the full filing fee tendered by a method described in rule 113.~~

~~202.8~~202.3.3 Means of communication. UCC ~~document~~ RECORDS communicated to the Secretary of State's office STATE by a means of communication not authorized by the Secretary of State ~~for the communication of UCC documents shall~~ IN RULE 103 WILL be refused.

~~202.9 EDI refusal. Reserved.~~

202.4 INDECIPHERABLE. THE SECRETARY OF STATE WILL REFUSE AN INDECIPHERABLE UCC RECORD THAT CANNOT BE INDEXED. AN INDECIPHERABLE RECORD MAY INCLUDE, BUT IS NOT LIMITED TO, A RECORD THAT CONTAINS A SPECIAL CHARACTER OUTSIDE OF THE CHARACTER SET PROVIDED IN RULE 313, OR AN AMENDMENT THAT FAILS TO INDICATE THE TYPE OF AMENDMENT.

202.5 THE SECRETARY OF STATE WILL PROVIDE A NOTICE TO THE FILER INDICATING THE MISSING, INDECIPHERABLE, OR INVALID INFORMATION, AND THAT THE FILER WILL

BE REQUIRED TO PROVIDE THE MISSING INFORMATION IN ORDER TO FILE THE RECORD.

~~203 Grounds not warranting refusal. The sole grounds for the Secretary of State's refusal to accept a UCC document for filing are enumerated in rule 202. The following are examples of defects that do not constitute grounds for refusal to accept a document. They are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a UCC document for filing.~~

~~203.1 Errors. The UCC document contains or appears to contain a misspelling or other apparently erroneous information.~~

~~203.2 Incorrect names:~~

~~203.2.1 The UCC document identifies or appears to identify a debtor incorrectly.~~

~~203.2.2 The UCC document identifies or appears to identify a secured party or a secured party of record incorrectly.~~

~~203.3 Extraneous information. The UCC document contains additional or extraneous information of any kind.~~

~~203.4 Insufficient information. The UCC document contains less than the information required by Article 9 of the UCC, provided that the document contains the information required in rule 202.1 through 202.5.~~

~~203.5 Collateral description. The UCC document incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.~~

~~203.6 Excessive fee. The document is accompanied by funds in excess of the full filing fee.~~

~~204 Time limit. The Secretary of State shall determine whether criteria exist to refuse acceptance of a UCC document for filing not later than the fifth 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.~~

203 GROUNDS FOR REFUSAL OF AN EFS RECORD. THE SECRETARY OF STATE WILL REFUSE TO ACCEPT AN EFS OR EFS AMENDMENT ONLY FOR THOSE REASONS FOUND IN THE UCC AND IN RULE 202 APPLICATION OF THE UCC TO THE EFS ACT. A RECORD THAT PURPORTS TO BE AN EFS OR EFS AMENDMENT, BUT DOES NOT MEET THE REQUIREMENTS OF THE EFS ACT, WILL BE FILED ACCORDING TO THE UCC.

204 GROUNDS FOR REFUSAL OF A NOTICE OF LIEN OR NOTICE OF AMENDMENT. IN ADDITION TO THE REASONS SET FORTH IN SECTION 4-9.7-105, C.R.S., THE SECRETARY OF STATE WILL REFUSE TO ACCEPT A NOTICE OF LIEN OR NOTICE OF AMENDMENT FOR THE FOLLOWING REASONS.

204.1 FEE. A NOTICE OF LIEN OR NOTICE OF AMENDMENT WILL BE REFUSED IF THE RECORD IS SUBMITTED WITH LESS THAN THE FULL FILING FEE AND THE FEE IS NOT TENDERED BY A METHOD AUTHORIZED IN RULE 109.

204.2 MEANS OF COMMUNICATION. A NOTICE OF LIEN OR NOTICE OF AMENDMENT COMMUNICATED TO THE SECRETARY OF STATE BY A MEANS OF COMMUNICATION NOT AUTHORIZED BY THE SECRETARY OF STATE FOR THE COMMUNICATION IN RULE 103 WILL BE REFUSED.

204.3 INDECIPHERABLE. THE SECRETARY OF STATE WILL REFUSE A NOTICE OF LIEN OR NOTICE OF AMENDMENT THAT IS INDECIPHERABLE AND CANNOT BE INDEXED. AN INDECIPHERABLE RECORD MAY INCLUDE, BUT IS NOT LIMITED TO, A RECORD THAT CONTAINS A SPECIAL CHARACTER OUTSIDE OF THE CHARACTER SET PROVIDED IN RULE 313, OR A NOTICE OF AMENDMENT THAT FAILS TO INDICATE THE TYPE OF AMENDMENT.

205 GROUNDS FOR REFUSAL OF A RECORD SUBMITTED VIA THE SYSTEM-TO-SYSTEM TRANSFER METHOD. THE SOLE GROUNDS FOR THE SECRETARY OF STATE'S REFUSAL TO ACCEPT A SECURED TRANSACTION RECORD FOR FILING SUBMITTED VIA THE SYSTEM-TO-SYSTEM TRANSFER METHOD ARE ENUMERATED IN RULES 202, 203, AND 205.

~~205206 Procedure upon refusal. If the Secretary of State finds grounds under rule 202 to refuse acceptance of a paper or paper-based UCC document, the Secretary of State shall return the document to the remitter. The Secretary of State's 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 for refusal to accept the document under rule 202. The notice shall be sent to a secured party or the remitter as provided in rule 401.3.2 no later than the fifth business day after the Secretary of State's office receives the document. The amount of the filing fee tendered, if any, may be applied to any applicable reject fee. If the Secretary of State finds grounds to refuse acceptance of a UCC document not filed in paper or paper-based form, the online filing system shall not allow the filer to submit the filing. The online system shall inform the filer of the problem with the filing, and shall keep acceptable information until the filing is either successfully completed or the filer logs off the electronic filing system, however the online filing system may or may not include a description of the reason for refusal to accept the document under rule 202. DURING THE SUBMISSION PROCESS, THE ELECTRONIC FILING APPLICATION WILL INDICATE ANY DEFICIENCIES AND WILL PROMPT THE FILER TO PROVIDE ALL REQUIRED INFORMATION NECESSARY TO COMPLETE FILING. THE SYSTEM WILL NOT ACCEPT A FILING UNTIL ALL REQUIRED INFORMATION IS PROVIDED.~~

~~206207 Acknowledgment. At the request of a filer or remitter who files a paper or paper-based UCC document, the Secretary of State shall either (i) 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, (ii) 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. For UCC documents not filed in paper or paper-based form, the Secretary of State shall communicate to the filer or remitter the information in~~

~~the filed document, the file number and the date and time of filing.~~ UPON COMPLETING THE FILING PROCESS THROUGH THE ELECTRONIC FILING APPLICATION, THE SECRETARY OF STATE WILL PROVIDE ACKNOWLEDGMENT BY PROVIDING AN IMAGE OF THE FILED SECURED TRANSACTION RECORD THAT INCLUDES THE INFORMATION IN THE RECORD, THE FILE NUMBER AND THE FILING DATE AND TIME. UPON COMPLETING THE FILING PROCESS THROUGH THE SYSTEM-TO-SYSTEM TRANSFER METHOD, THE SECRETARY OF STATE WILL PROVIDE ACKNOWLEDGMENT BY PROVIDING THE INFORMATION IN THE RECORD, THE FILE NUMBER AND THE FILING DATE AND TIME.

~~207 Other Notices. Nothing in these rules prevents the Secretary of State from communicating to a filer or a remitter that the Secretary of State noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the Secretary of State's office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. **THE RESPONSIBILITY FOR THE LEGAL EFFECTIVENESS OF FILING RESTS WITH FILERS AND REMITTERS AND THE SECRETARY OF STATE'S OFFICE BEARS NO RESPONSIBILITY FOR SUCH EFFECTIVENESS.**~~

208 Refusal errors. If a ~~secured party or a remitter~~ FILER demonstrates to the satisfaction of the Secretary of State that a ~~UCC document~~RECORD that was refused for filing should not have been refused under rule 202 IN ERROR, the Secretary of State will file the UCC ~~document~~RECORD as provided in these rules as of the filing date and time when the UCC ~~document~~RECORD was originally communicated for filing WITH A STATEMENT THAT THE RECORD WAS REFUSED IN ERROR. ~~The Secretary of State will also file a statement that states that the effective date and time of filing is the date and time the UCC document was originally communicated for filing, and sets forth such date and time.~~ The statement shall WILL be preserved for so long as the MASTER record of the initial financing statement is preserved in the UCC SECURED TRANSACTIONS information management system.

~~Numbers 209 through 299 are reserved.~~

~~Section 3 — UCC Information Management System~~

SECTION 3. SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM

300 ~~Policy statement~~GENERAL. The Secretary of State uses an information management system to store, index, and retrieve information relating to SECURED TRANSACTION RECORDS ~~financing statements~~. The information management system includes an index of the names of debtors/OWNERS named on SECURED TRANSACTION RECORDS ~~financing statements which have not lapsed~~. The rules in this section describe the SECURED TRANSACTIONS UCC information management system.

301 Primary data elements. The primary data elements used in the SECURED TRANSACTIONS UCC information management system are the following.

301.1 Identification numbers.

- 301.1.1 ~~Each initial financing statement~~ SECURED TRANSACTION RECORD is identified by ~~it's~~ A UNIQUE file number ~~as described in rule 101.7.~~ ~~Identification of the initial financing statement~~ THE FILE NUMBER is stamped on written UCC documents or otherwise PERMANENTLY INSCRIBED ON THE RECORD IMAGE GENERATED BY THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM AND IS permanently associated with ~~the~~ EACH SECURED TRANSACTION record THAT IS STORED AND maintained for UCC documents in the UCC-SECURED TRANSACTIONS 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.~~ WHEN A RECORD IS INITIALLY FILED, A MASTER RECORD IS CREATED.
- 301.1.2 ~~A UCC document other than an initial financing statement is identified by a unique file number assigned by the Secretary of State. 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.~~ AN AMENDMENT OR A CORRECTION TO A SECURED TRANSACTION MASTER RECORD IS LINKED TO THE RELATED MASTER RECORD IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM.
- 301.2 ~~Type of document~~RECORD. The type of UCC document from which data is transferred SECURED TRANSACTION RECORD is identified in the SECURED TRANSACTIONS information management system ~~from information supplied by the remitter.~~
- 301.3 Filing date and filing time. The filing date and ~~filing time of UCC documents are stored~~ TIME ARE THE DATE AND TIME THE RECORD IS FILED in the SECURED TRANSACTIONS information management system. ~~Calculation of the lapse date of an initial financing statement is based upon the filing date.~~ THE FILING DATE AND TIME OF A SECURED TRANSACTION RECORD ARE STORED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM AND ARE NOTED ON THE IMAGE OF A SECURED TRANSACTION RECORD.
- 301.4 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 or more data entry or transmittal techniques.~~ THE NAMES AND ADDRESSES OF ALL PARTIES, AS PROVIDED BY THE FILER, ARE STORED AND MAINTAINED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM.
- 301.5 Status of ~~financing statement.~~ ~~In the information management system, each financing statement~~ SECURED TRANSACTION RECORD. EACH MASTER RECORD has a status of ~~active or inactive~~ UNLAPSED OR LAPSED.

- 301.6 Page count. The total number of pages in a SECURED TRANSACTION RECORD IS INDICATED ON THE IMAGE OF THE SECURED TRANSACTION RECORD ~~UCC document is maintained in the information management system.~~
- 301.7 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 rule 404. IF A SECURED TRANSACTION RECORD HAS A LIMITED PERIOD OF EFFECTIVENESS, THE SYSTEM WILL CALCULATE AND MAINTAIN THE LAPSE DATE OF THE RECORD. THE LAPSE DATE IS DETERMINED AS PROVIDED IN RULE 402. THE LAPSE DATE IS INDICATED IN THE ELECTRONIC SEARCHING APPLICATION AND STORED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM.~~
- 302 Names of debtors who are individuals. For the purpose of this rule, “individual” means a human being, or a decedent in the case of a debtor that is such decedent’s estate. This rule applies to the name of a debtor, AN OWNER, A CLAIMANT, or a secured party on a UCC document PROVIDED ON A SECURED TRANSACTION RECORD who is an individual.
- 302.1 Individual name fields. THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM WILL PROVIDE SEPARATE FIELDS FOR THE ~~The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer should place the name of a debtor with a single name (e.g., “Cher”) in the last name field. ALL INDIVIDUAL NAME INFORMATION WILL BE RECORDED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM EXACTLY AS THE DATA WAS ENTERED IN THE ELECTRONIC FILING APPLICATION OR AS TRANSMITTED BY THE SYSTEM-TO-SYSTEM TRANSFER METHOD. The Secretary of State 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.~~
- 302.2 ~~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 rule 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.~~
- 302.3 ~~Titles and suffixes after names. Titles or indications of status such as “M.D.” and “esquire” are not part of an individual’s name and should not be provided by filers in UCC documents. Suffixes that indicate which individual is being named, such as “senior,” “junior,” “I,” “II,” and “III,” are appropriate. In either case, as provided in rule 407, they will be entered into the information management system exactly as received.~~
- 302.4302.2 Truncation - individual names. Personal INDIVIDUAL 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 Secretary of State, up to the maximum length of the data entry

~~field. The length of data entry name~~ THE LENGTHS OF THE CORRESPONDING FIELDS AVAILABLE IN THE ELECTRONIC FILING APPLICATION AND THE SYSTEM-TO-SYSTEM TRANSFER METHOD are as follows.

~~302.4.1~~302.2.1 First name: ~~35~~-255 characters.

~~302.4.2~~302.2.2 Middle name: ~~35~~-255 characters.

~~302.4.3~~302.2.3 Last name: ~~35~~-255 characters.

~~302.4.4~~302.2.4 Suffix: ~~10~~ characters.—THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM WILL ONLY ACCEPT THE FOLLOWING SUFFIXES: JR., SR., II, III, IV, V, VI, VII, VIII, IX, AND X.

303 Names of ~~debtors that are~~ organizations. This rule applies to the name of an organization ~~who~~-THAT is a debtor, AN OWNER, A CLAIMANT, or a secured party ~~on a UCC document~~ PROVIDED ON A SECURED TRANSACTION RECORD.

303.1 Single field. THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM WILL PROVIDE A ~~The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store~~ FOR an organization name.

303.2 Truncation - organization names. The organization name field ~~in the UCC database~~ is fixed in length. The ~~maximum~~ length OF THE CORRESPONDING FIELDS AVAILABLE IN THE ELECTRONIC FILING APPLICATION AND THE SYSTEM-TO-SYSTEM TRANSFER METHOD is ~~120~~-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 Secretary of State, up to the maximum length of the data entry field.~~

304 Estates. THE ELECTRONIC FILING APPLICATION WILL PROVIDE A METHOD TO INDICATE THAT A DEBTOR IS A DECEDENT'S ESTATE. ~~Although they are not human beings, estates are treated as if the decedent were the debtor under rule 302.~~

305 Trusts. THE ELECTRONIC FILING APPLICATION WILL PROVIDE A METHOD TO INDICATE THAT A DEBTOR IS A TRUST OR TRUSTEE ACTING WITH RESPECT TO PROPERTY HELD IN TRUST. ~~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 rules 407 and 408.~~

306 RECORD OPENING DOCUMENT. ~~Initial financing statement.~~ Upon the filing of an initial financing statement A RECORD OPENING DOCUMENT, the status of the parties and the status of the financing statement shall RECORD WILL be as follows.

306.1 Status of secured party. Each secured party named on an initial financing statement OR EFS WILL BE MAINTAINED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM AND WILL NOT BE REMOVED BEFORE TWO YEARS AFTER THE SECURED TRANSACTION RECORD HAS LAPSED. ~~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.~~

306.2 STATUS OF CLAIMANT. EACH CLAIMANT NAMED ON A NOTICE OF LIEN WILL BE MAINTAINED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM AND WILL NOT BE REMOVED BEFORE TWO YEARS AFTER THE NOTICE HAS LAPSED. EACH CLAIMANT IDENTIFIED IN A NOTICE WILL BE MAINTAINED IN THE SECURED TRANSACTION INFORMATION MANAGEMENT SYSTEM AS IF THE CLAIMANT WERE A SECURED PARTY OF RECORD.

306.3 STATUS OF ASSIGNEE AND ASSIGNOR. IF A RECORD OPENING DOCUMENT INCLUDES AN ASSIGNMENT, THE ASSIGNEE AND THE ASSIGNOR WILL EACH BE INDEXED AS A SECURED PARTY OF RECORD.

~~306.2~~ 306.4 Status of debtor. ~~The status of a~~ A debtor named on AN INITIAL FINANCING STATEMENT OR EFS WILL BE MAINTAINED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM AND WILL NOT BE REMOVED BEFORE TWO YEARS AFTER THE MASTER RECORD HAS LAPSED. ~~the document shall be active and shall continue as active until one year after the financing statement lapses.~~

~~306.3 Status of financing statement. Reserved.~~

306.5 STATUS OF OWNER. AN OWNER NAMED ON A NOTICE OF LIEN WILL BE MAINTAINED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM AND WILL NOT BE REMOVED BEFORE TWO YEARS AFTER THE NOTICE HAS LAPSED. EACH OWNER IDENTIFIED IN A NOTICE WILL BE MAINTAINED IN THE SECURED TRANSACTION INFORMATION MANAGEMENT SYSTEM AS IF THE OWNER WERE A DEBTOR.

306.6 STATUS OF RECORD OPENING DOCUMENT. UPON THE FILING OF A RECORD OPENING DOCUMENT, A MASTER RECORD WILL BE CREATED AND THE STATUS OF THE MASTER RECORD WILL BE UNLAPSED.

307 Amendment. Upon the filing of an amendment, the status of the parties and the status of the financing statement shall SECURED TRANSACTION RECORD WILL be as follows.

307.1 Status of secured party and debtor. An amendment shall WILL affect the status of its THE debtor(s) and secured party(ies) NAME IN THE RELATED MASTER RECORD as follows:

- 307.1.1 Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses ~~has~~ WILL HAVE 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).~~
- 307.1.2 Debtor name change. An amendment that changes a debtor's name ~~has~~ WILL HAVE no effect on the status of any OTHER debtor or ANY secured party, except that the related initial financing statement OR EFS and all UCC ~~document~~RECORDS that include an identification of such initial financing statement ~~shall~~ WILL be cross-indexed in the UCC SECURED TRANSACTIONS information management system so that a search under either the debtor's old name or the debtor's new name will reveal THE ~~such~~ initial financing statement OR EFS and ~~such~~ ANY related UCC ~~documents~~RECORDS. ~~Such a statement of amendment affects only the rights of its authorizing secured party(ies).~~
- 307.1.3 Secured party name change. An amendment that changes the name of a secured party ~~has~~ WILL HAVE no effect on the status of any debtor or any OTHER secured party, but the new name WILL BE ~~is~~ added to the ~~index~~ SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM as if it were a new secured party of record.
- 307.1.4 Addition of a debtor. An amendment that adds a new debtor name ~~has~~ WILL HAVE no effect upon the status of any OTHER DEBTOR OR ANY SECURED party ~~to the financing statement~~, except the new debtor name ~~shall~~ WILL be added TO THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM 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.~~
- 307.1.5 Addition of a secured party. An amendment that adds a new secured party ~~shall~~ WILL not affect the status of any DEBTOR OR OTHER SECURED party ~~to the financing statement~~, except that the new secured party name ~~shall~~ WILL be added TO THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM as a new secured party ~~on the financing statement~~ OF RECORD.
- 307.1.6 Deletion of a debtor. An amendment that deletes a debtor ~~has~~ WILL HAVE no effect on ~~the status of~~ any DEBTOR OR SECURED party STORED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM ~~to the financing statement, even if the amendment purports to delete all debtors.~~
- 307.1.7 Deletion of a secured party. An amendment that deletes a secured party of record ~~has~~ WILL HAVE no effect on ~~the status of~~ any DEBTOR OR SECURED party STORED IN THE SECURED TRANSACTIONS INFORMATION

~~MANAGEMENT SYSTEM to the financing statement, even if the amendment purports to delete all secured parties of record.~~

307.2 Status of ~~financing statement~~-CLAIMANT AND OWNER. ~~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.~~ A NOTICE OF AMENDMENT WILL AFFECT THE STATUS OF A CLAIMANT OR OWNER IN THE SAME FASHION AS AN AMENDMENT FILED IN ACCORDANCE WITH RULE 307.1.

307.3 STATUS OF MASTER RECORD. AN AMENDMENT WILL HAVE NO EFFECT UPON THE STATUS OF THE MASTER RECORD, EXCEPT AS PROVIDED IN RULES 309 AND 310.

308 Assignment of powers of secured party of record.

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

308.2 Status of ~~financing statement~~-MASTER RECORD. An assignment ~~shall~~ WILL have no effect upon the status of the ~~financing statement~~-MASTER RECORD.

309 Continuation.

309.1 Continuation of lapse date. Upon the timely filing of one or more continuations, THE LAPSE DATE OF THE MASTER RECORD WILL BE EXTENDED BY THE APPROPRIATE PERIOD IN ACCORDANCE WITH THE APPLICABLE SUBSTANTIVE STATUTE. ~~by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years.~~

309.2 Status of parties. The filing of a continuation ~~shall~~ WILL have no effect upon the status of any party ~~to~~-INCLUDED IN the ~~financing statement~~-MASTER RECORD.

309.3 Status of ~~financing statement~~-MASTER RECORD. Upon the filing of a continuation ~~statement~~, the status of the ~~financing statement~~ ~~remains active~~-MASTER RECORD WILL REMAIN UNLAPSED.

310 Termination.

310.1 Status of parties. The filing of a termination ~~shall~~ WILL have no effect upon the status of any party ~~to the financing statement~~-INCLUDED IN A MASTER RECORD.

310.2 Status of ~~financing statement~~-UCC MASTER RECORD. A termination ~~shall~~ WILL have no effect upon the status of the ~~financing statement~~ ~~and the financing statement shall remain active in the information management system until one year after it lapses, unless~~-MASTER RECORD. IF the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case ~~THEN the financing statement~~ MASTER RECORD will ~~become inactive one year after it is terminated~~-LAPSE UPON THE FILING OF THE TERMINATION STATEMENT with respect to all secured parties of record.

310.3 STATUS OF EFS. A TERMINATION OR AN AMENDMENT THAT PURPORTS TO REMOVE EFS MASTER LIST NOTIFICATION WILL CAUSE THE EFS IDENTIFIED IN THE TERMINATION OR AMENDMENT AND ANY RELATED EFS AMENDMENTS TO BE REMOVED FROM THE MASTER LISTS PUBLISHED AND DISTRIBUTED BY THE SECRETARY OF STATE SUBSEQUENT TO THE TERMINATION. AN AMENDMENT THAT REMOVES EFS MASTER LIST NOTIFICATION WILL HAVE NO EFFECT UPON THE STATUS OR OTHERWISE IMPAIR THE PERFECTION OF ANY SECURITY INTEREST PERFECTED BY THE EFS FOR PURPOSES OF ARTICLE 9 OF TITLE 4, C.R.S.

310.4 STATUS OF NOTICE OF LIEN. A NOTICE OF AMENDMENT THAT PURPORTS TO TERMINATE A NOTICE OF LIEN WILL CAUSE THE NOTICE OF LIEN TO LAPSE.

311 Correction statement.

311.1 Status of parties. The filing of a correction statement ~~shall~~ WILL have no effect upon the status of any party to the financing statement.

311.2 Status of financing statement. A correction statement ~~shall~~ WILL 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~~ MASTER RECORD, the ~~financing statement~~ RECORD lapses on its lapse date ~~but no action is then taken by the Secretary of State's office~~. THE SECRETARY OF STATE WILL MAINTAIN ALL LAPSED SECURED TRANSACTION RECORDS FOR TWO YEARS AFTER THE LAPSE DATE. TWO YEARS AFTER THE LAPSE DATE, THE SECRETARY OF STATE WILL NO LONGER MAINTAIN, IN ANY FORM, AND WILL REMOVE SECURED TRANSACTION RECORDS FROM THE SECURED TRANSACTION INFORMATION MANAGEMENT SYSTEM.

313 THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM WILL ONLY SUPPORT ASCII CHARACTERS 32-126. INFORMATION REGARDING ASCII CHARACTERS 32-126 IS AVAILABLE UPON REQUEST AND ON THE SECRETARY OF STATE'S WEBSITE.

~~Numbers 313 through 370 are reserved.~~

371.314 Electronic ~~document filing~~ pProcedures.

~~371.1314.1~~ Direct electronic filing and searching services. THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM WILL INCLUDE AN ELECTRONIC FILING APPLICATION AND AN ELECTRONIC SEARCHING APPLICATION THAT are available to any person with Internet access. ~~Online services may require payment via credit card or a prepaid account, as described in Rule 113. Instructions on how to file and conduct searches are provided on request and from the web site of~~ AVAILABLE ON the Secretary of State's WEBSITE.

~~371.2314.2~~ Record ~~filing~~ FILING procedures. ~~Initial financing statements and amendments may be communicated electronically. A record which is created by the filer in this manner is subject to all of the provisions of law as if it were a paper record submitted to the Secretary of State's office, except that attachments~~

~~may not be submitted. Instructions on how to file are provided on request and from the web site of the Secretary of State.~~ ALL SECURED TRANSACTION RECORDS WILL BE COMMUNICATED TO THE SECRETARY OF STATE FOR FILING BY THE ELECTRONIC FILING APPLICATION OR BY UTILIZING THE SYSTEM-TO-SYSTEM TRANSFER METHOD AUTHORIZED BY THE SECRETARY OF STATE. INSTRUCTIONS ON HOW TO FILE ARE AVAILABLE ON THE SECRETARY OF STATE'S WEBSITE.

Numbers 372 through 399 are reserved,

Section 4 — Filing and Data Entry Procedures

SECTION 4. FILING AND RECORDS MANAGEMENT PROCEDURES

400 ~~Policy statement~~DUTIES AND AUTHORITY OF THE SECRETARY OF STATE. ~~This section contains rules describing the filing procedures of the Secretary of State upon and after receipt of a UCC document. It is the policy of the Secretary of State to file promptly a document that conforms to these rules. Except as provided in these rules, data are transferred from a UCC document to the information management system exactly as the data are 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.~~ THE SECRETARY OF STATE WILL PROMPTLY FILE A RECORD THAT CONFORMS TO THESE RULES AND WILL MAINTAIN AND INDEX ALL DATA EXACTLY AS THE FILER INPUTTED THE DATA IN THE ELECTRONIC FILING APPLICATION. THE SECRETARY OF STATE DOES NOT HAVE THE AUTHORITY TO DETERMINE THE LEGAL EFFECTIVENESS OF A SECURED TRANSACTION RECORD. THE FILING OF OR REFUSAL TO FILE A RECORD DOES NOT AFFECT THE VALIDITY OF THE RECORD OR RELATE TO THE CORRECTNESS OF THE INFORMATION IN THE RECORD.

401 ~~Document~~RECORD indexing and other procedures ~~before archiving~~ FOR THE ELECTRONIC FILING APPLICATION OR SYSTEM-TO-SYSTEM TRANSFER METHOD.

~~401.1 Date and time stamp. The date and time of receipt are noted on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system at the earliest possible time.~~

~~401.2 Filing fee. Prepayment of all transactions is required. Acceptable payment options are listed in rule 113.~~

~~401.3~~401.1 ~~Document~~RECORD review. ~~The Secretary of State's office determines whether a ground exists to refuse the document under rule 202.~~ THE SECRETARY OF STATE ONLY DETERMINES IF ONE OR MORE GROUNDS FOR REFUSAL EXIST. IF A GROUND FOR REFUSAL EXISTS, THE ELECTRONIC FILING APPLICATION WILL NOT ALLOW THE RECORD TO BE SUBMITTED.

~~401.3.1 File number; date; time. A unique identification number and the filing date and time are 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.~~

~~401.3.2 Correspondence. If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in rule 205. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided in rule 206. If the UCC document was tendered in person, notice of refusal or acknowledgment of the filing may be given to the remitter by personal delivery or mail. If the UCC document was tendered by electronic document filing procedures, such notice or acknowledgment is transmitted to the remitter by online response by transmitting an identification known to the remitter of the UCC document filed as well as the information required by rule 205 or rule 206. Acknowledgment of filing or notice of refusal of a UCC document tendered by means other than personal delivery or online transmission is sent to the secured party (or the first secured party if there are more than one) 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.~~

~~401.4 Data entry. Paper documents are entered into the UCC information management system and scanned and the image retained.~~

401.2 ELECTRONIC ATTACHMENTS. THE ELECTRONIC FILING APPLICATION AND SYSTEM-TO-SYSTEM TRANSFER METHOD WILL ALLOW A FILER TO INCLUDE ELECTRONIC ATTACHMENTS WHEN FILING A SECURED TRANSACTION RECORD. THE SECRETARY OF STATE DOES NOT REVIEW THE CONTENTS OF ELECTRONIC ATTACHMENTS AND WILL NOT INDEX OR MAKE THE CONTENTS OF ELECTRONIC ATTACHMENTS SEARCHABLE.

~~402 Filing date. The filing date of a paper-based UCC document is the date the UCC document is received with the proper filing fee if the Secretary of State's office is open to the public on that date or, if the Secretary of State's office is not so open on that date, the filing date is the next date the Secretary of State's office is so open, except that, in each case, UCC documents received after 5:00 P.M. shall be deemed received on the following day. The Secretary of State may perform any duty relating to the document on the filing date or on a date after filing date. The file date for an electronically filed UCC document is the date that the Secretary of State's system analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine-readable.~~

~~403 Filing time. The filing time of a UCC document is determined as provided in rule 106.~~

404402 Lapse date and time. A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility) RECORD OPENING DOCUMENT. The lapse date is the same date DAY of the same month as the filing date in the fifth FINAL year after OF the filing date or relevant INITIAL STATUTORILY DETERMINED

PERIOD OF EFFECTIVENESS OR subsequent ~~fifth anniversary thereof~~ STATUTORILY DETERMINED PERIOD OF EFFECTIVENESS if a timely continuation statement is filed. A MASTER RECORD LAPSES AT 12:00 AM OF THE DAY IMMEDIATELY FOLLOWING, ~~but if the initial financing statement indicates that it is filed with respect to 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~~ LAPSE DATE for a RECORD OPENING DOCUMENT FILED ON February 29 ~~filing date shall~~ WILL be the ~~March 1~~ FEBRUARY 28 in the ~~fifth~~ FINAL year following the year of the ~~filing date~~ STATUTORILY DETERMINED PERIOD OF EFFECTIVENESS.

403 VERIFICATION OF DATA ENTRY. THE SECRETARY OF STATE IS NEITHER PERMITTED NOR AUTHORIZED TO PROVIDE LEGAL ADVICE OR TO MAKE ANY JUDGMENT REGARDING THE EFFECTIVENESS OR SUFFICIENCY OF A SECURED TRANSACTION RECORD. ENTERED DATA INTO THE ELECTRONIC FILING APPLICATION AND DETERMINING WHETHER THE INFORMATION INCLUDED IN A RECORD IS LEGALLY SUFFICIENT IS THE SOLE RESPONSIBILITY OF THE FILER.

405404 Errors of the filing officer. The Secretary of State's ~~office~~ may correct the errors ~~of Secretary of State~~ MADE BY FILING OFFICE personnel WHEN ENTERING INFORMATION in the UCC SECURED TRANSACTIONS information management system at any time. If ~~the~~ A correction is made, after the Secretary of State ~~has issued a certification date that includes the filing date of a corrected document, the Secretary of State shall proceed as follows. The Secretary of State shall~~ WILL file a ~~statement~~ FILING OFFICER CORRECTION relating to the relevant ~~initial financing statement in the UCC information management system~~ MASTER RECORD stating the date of the correction and explaining the nature of the corrective action taken. The ~~statement shall~~ CORRECTION WILL be preserved for so long as the RELATED MASTER record of the ~~initial financing statement~~ is preserved in the UCC SECURED TRANSACTIONS information management system.

406405 Errors other than filing office errors. ~~An error by a filer is~~ FILER ERRORS ARE the responsibility of ~~such~~ THE filer. A filer may file an amendment or a correction statement to correct or disclose ~~such~~ an error. THE ACCURACY AND COMPLETENESS OF INFORMATION THAT IS FILED IS ULTIMATELY THE RESPONSIBILITY OF THE FILER.

407406 Data entry of names - ~~designated fields/no designated fields. A filing should designate whether a name is a name of an individual or an organization and, if an individual, also designates the first, middle and last names and any suffix. When this is done, the following rules shall apply.~~ ONLY NAMES ENTERED IN A DESIGNATED NAME FIELD IN THE ELECTRONIC FILING APPLICATION OR RECEIVED IN A DESIGNATED NAME FIELD THROUGH THE SYSTEM-TO-SYSTEM TRANSFER METHOD WILL BE RECORDED AS A NAME IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM. THIS APPLIES TO ALL PARTIES ASSOCIATED WITH A SECURED TRANSACTION RECORD.

407.1 ~~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.~~

~~407.2 Individual names. On a form that designates separate fields for first, middle, and last names and any suffix, the Secretary of State 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.~~

~~407.3 Designated fields encouraged. The Secretary of State 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. Such forms diminish the possibility of Secretary of State's office error and help assure that filers' expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the Secretary of State may cause filings to be ineffective. All documents submitted through direct data entry or through EDI will be required to use designated name fields.~~

~~407.4 No designated name fields. The following rules apply to documents where names are stated without designated name fields.~~

~~407.4.1 "Last Name First". Where it is apparent that an individual debtor name in a document is stated "last name, first name", the first name stated shall be entered as the debtor's last name. [e.g., where a form instructs that the name be stated "Last Name, First Name" or substantially similarly, and the document states the name as "Frank, Thomas" or "Frank, Thomas Q.", the name "Frank" shall be entered as the last name; and where a form instructs that the name be stated "Last Name, First Name" or substantially similarly, and the document states the name as "Thomas Frank" or "Thomas Q. Frank", the name "Thomas" shall be entered as the last name]~~

~~407.4.2 Multiple Names. Where multiple names are stated for a party in a document, the document shall be refused by the Secretary of State as indecipherable. [e.g., where the document states a name as "Frank, Thomas and Mary" or "Thomas and Mary Frank", the document shall be refused as indecipherable]~~

~~407.4.3 "Trade Names", "Division Names", "d/b/a's", "a/k/a's", "f/k/a's", Aliases, Etc. "Where a name in a document includes an apparent "trade name", "division name", so-called "d/b/a", "a/k/a", or "f/k/a", an alias or any other supplemental words, all of the words of the name shall be entered exactly as stated, as a single name. [e.g., where a name of a debtor, secured party, assigned party, etc. is stated as "Frank Co., a division of Thomas, Inc.", the name shall be entered exactly as stated as "Frank Co., a division of Thomas, Inc." and no separate entry is made regarding the apparent division name; and where a name is stated as "Frank, Thomas Q., doing business as Thomas Co.", the name shall be entered exactly as stated as "Frank, Thomas Q., doing business as Thomas Co.", and no separate entry is made regarding the apparent trade name or so-called "d/b/a"; and where a name is stated as "Frank, Mary f/k/a Smith, Mary", the name shall be entered exactly as stated as "Frank, Mary f/k/a Smith, Mary" and no separate entry is made regarding the so-called "formerly known as" name]~~

~~407.4.4 Indecipherable Names Generally. Where a name is unclear in a document, the document shall be refused by the Secretary of State as indecipherable.~~

~~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 Secretary of State.~~

~~408.1 Identification of organizations. Reserved.~~

~~408.2 Identification of individuals. Reserved.~~

~~408.3 Individual and organization names on a single line. Reserved.~~

~~408.4 Individual names. Reserved.~~

~~408.4.1 Freestanding initials. Reserved.~~

~~408.4.2 Combined initials and names. Reserved.~~

~~408.4.3 Multiple individual names on a single line. Reserved.~~

~~408.4.4 One word names. Reserved.~~

~~408.4.5 Nicknames. Reserved.~~

~~409 Verification of data entry. The Secretary of State uses the following procedures to verify the accuracy of data entry tasks.~~

~~409.1 Double key entry is not employed for data entered.~~

~~409.2 Reserved.~~

~~409.2.1 Reserved.~~

~~409.2.2 Reserved.~~

~~410407 Initial financing statement~~ RECORD OPENING DOCUMENT. A new MASTER record is ~~opened~~ WILL BE CREATED in the UCC SECURED TRANSACTIONS information management system for each ~~initial financing statement that bears~~ RECORD OPENING DOCUMENT THAT IS FILED. THE MASTER RECORD WILL USE the file number of the financing statement and the date and time of filing OF THE RECORD OPENING DOCUMENT.

~~410.1407.1~~ DEBTOR OR OWNER INFORMATION. The name and address of each debtor OR OWNER that are legibly set forth in A SECURED TRANSACTION RECORD WILL BE ~~the financing statement~~ are entered into the RELATED MASTER record ~~of the financing statement~~. Each such debtor name is included in the searchable index and is not removed. Debtor addresses might not be included in the searchable

~~index except to the extent the Secretary of State offers or intends to offer limited searches or limited copy requests as provided in rule 502.~~

~~410.2407.2 SECURED PARTY OR CLAIMANT INFORMATION. The name and address of each secured party OR CLAIMANT that are is legibly set forth in the financing statement are-A SECURED TRANSACTION RECORD WILL BE entered into the RELATED MASTER record-of the financing statement.~~

~~410.3407.3 INDEXING. The EACH MASTER record is-WILL BE indexed according to the name of the debtor(s) OR OWNER(S) INDICATED ON THE SECURED TRANSACTION RECORD and is-maintained WILL BE AVAILABLE for public inspection THROUGH THE ELECTRONIC SEARCHING APPLICATION.~~

~~410.4 A lapse date is established for the financing statement, unless the initial financing statement indicates it is filed against a transmitting utility, and the lapse date is maintained as part of the record.~~

~~411408 Amendment. A record is created for the EACH amendment that bears the file number for the amendment and the date and time of filing.-IS FILED WILL BE INDEXED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM AND WILL BE LINKED TO THE RELATED MASTER RECORD.~~

~~411.1408.1 INDEXING OF AN AMENDMENT. 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.-AN AMENDMENT IS ASSOCIATED WITH A MASTER RECORD SO THAT THE AMENDMENT CAN BE RETRIEVED BY SEARCHING FOR THE FILE NUMBER OF THE AMENDMENT, SEARCHING FOR A DEBTOR OR SECURED PARTY DESIGNATED IN THE AMENDMENT, OR BY SEARCHING FOR THE RELATED RECORD OPENING DOCUMENT THROUGH THE ELECTRONIC SEARCHING APPLICATION.~~

~~411.2408.2 NAMES AND ADDRESSES. 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. Debtor addresses might not be included in the searchable index except to the extent the Secretary of State offers or intends to offer limited searches or limited copy requests as provided in rule 502.- DEBTOR/OWNER AND SECURED PARTY/CLAIMANT DESIGNATED IN AN AMENDMENT WILL BE ENTERED INTO THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM AND ASSOCIATED WITH THE RELATED MASTER RECORD.~~

~~411.3408.3 If the amendment is a continuation, a new lapse date is WILL BE established for the financing statement and maintained as part of its record RELATED MASTER RECORD. IF NO LAPSE DATE IS ASSOCIATED WITH A MASTER RECORD, THEN THE CONTINUATION WILL BE MADE PART OF THE MASTER RECORD AND NO OTHER ACTION WILL BE TAKEN.~~

412409 ~~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.~~ EACH CORRECTION STATEMENT THAT IS FILED WILL BE INDEXED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM. THE CORRECTION STATEMENT WILL BE ASSOCIATED WITH THE RELATED MASTER RECORD in a manner that causes the correction statement to be retrievable ~~each time a record of the financing statement is retrieved~~ BY SEARCHING FOR THE FILE NUMBER OF THE CORRECTION STATEMENT OR BY SEARCHING FOR THE RELATED RECORD OPENING DOCUMENT.

410 MASTER AMENDMENTS. AN AMENDMENT OR CORRECTION STATEMENT THAT WOULD CHANGE OR AFFECT MULTIPLE SECURED TRANSACTION RECORDS WITH ONE FILING IS NOT POSSIBLE, AT THIS TIME.

411 PAPER RECORDS STORAGE. PAPER RECORDS ARE DESTROYED AFTER THE PAPER RECORDS HAVE BEEN SCANNED, ELECTRONIC IMAGES OF THE PAPER RECORDS HAVE BEEN CREATED, THE ELECTRONIC IMAGES HAVE BEEN STORED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM, AND THE CORRECT SCANNING OF THE IMAGES HAS BEEN VERIFIED.

~~413 Global filings. Global filings are not permitted.~~

~~413.1 Reserved.~~

~~413.2 Reserved.~~

~~414 Archives—general.~~

~~414.1 Paper UCC documents.~~

~~414.1.1 Storage. Paper records are destroyed after they have been scanned for images and a record is created in the UCC information management system.~~

~~414.1.2 Retention. Reserved.~~

~~414.2 Reductions.~~

~~414.2.1 Storage. Paper records are scanned for images and processed through data entry in accordance with procedures adopted by the Secretary of State.~~

~~414.2.2 Retention. Records are retained until five years from the date of lapse.~~

414.3412 Database BACKUPS.

414.3.1412.1 Daily backups. Daily incremental backups will be made using magnetic tape or other appropriate backup or data storage system as determined by the Secretary of State.

414.3.2412.2 Weekly backups. Weekly full backups will be made using magnetic tape or other appropriate data backup or data storage system as determined by the Secretary of State.

413 RECORDS RETENTION.

413.1 DATA RETENTION. DATA RELATING TO SECURED TRANSACTION RECORDS ARE RETAINED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM.

413.2 IMAGE RETENTION. ELECTRONIC IMAGES OF SECURED TRANSACTION RECORDS ARE RETAINED IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM.

414 HARDSHIP POLICY AND PROCEDURES. A HARDSHIP FILING BY A METHOD OF COMMUNICATION OTHER THAN ELECTRONIC FILING WILL BE PROCESSED ONLY IF THE REQUEST WAS PREAPPROVED BY THE SECRETARY OF STATE, AND THE REQUEST IS TENDERED WITH THE APPROPRIATE FEE. THE SECRETARY OF STATE WILL DETERMINE THE POLICY AND PROCEDURE USED TO ACCEPT AND DATA ENTER A SECURED TRANSACTION RECORD UNDER A HARDSHIP REQUEST.

415 NOTICE OF BANKRUPTCY. THE SECRETARY OF STATE TAKES NO ACTION UPON RECEIPT OF A NOTIFICATION, FORMAL OR INFORMAL, OF A BANKRUPTCY PROCEEDING. ACCORDINGLY, SECURED TRANSACTION RECORDS WILL LAPSE AS SCHEDULED UNLESS PROPERLY CONTINUED.

(New Rule 415 is the relocated and amended current Rule 417).

~~415 Archives — data retention. Data in the UCC information management system relating to financing statements that have lapsed are retained indefinitely.~~

~~416 Archival searches. Searches of lapsed filings are conducted in the same manner as searches of active filings.~~

~~417 Notice of bankruptcy. The Secretary of State takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Accordingly, financing statements will lapse as scheduled unless properly continued.~~

(Current Rule 417 would be amended and relocated to New Rule 415).

~~Numbers 418 through 499 are reserved.~~

~~**Section 5 — Search Requests and Reports**~~

SECTION 5. SEARCH REQUESTS AND REPORTS

500 General requirements. The Secretary of State maintains ~~for public inspection~~ a searchable index ~~for~~ OF all MASTER records AND LIENS CREATED UNDER THE UCC, THE EFS ACT, THE LIEN REGISTRATION ACT, AND APPLICABLE FEDERAL LAW. THIS SEARCHABLE INDEX ALLOWS RECORDS TO BE RETRIEVED BY SEARCHING FOR ~~of UCC documents that provides~~

~~for the retrieval of a record by the name of the A debtor, OWNER, OR TAXPAYER OR and by the file number of A SECURED TRANSACTION RECORD—the initial financing statement to which the record relates and which associates with one another 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.~~ CAN BE SUBMITTED AND PROCESSED ONLY BY USING THE ELECTRONIC SEARCHING APPLICATION. A SEARCHER MAY PERFORM A SEARCH OF THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM USING THE FOLLOWING TYPES OF SEARCH REQUESTS.

501.1 ~~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 shall consist of a first name, a middle name or initial, and a last name, although a search request may be submitted with no middle name or initial and, if only a single name is presented (e.g., “Cher”) it will be treated as a last 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.~~ STANDARD SEARCH. A STANDARD SEARCH IS A SEARCH OF THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM USING THE STANDARD SEARCH LOGIC PROVIDED FOR IN RULE 503. A SEARCHER MAY PERFORM A STANDARD SEARCH OF ALL UNLAPSED RECORDS BY PROVIDING THE NAME OF A DEBTOR, OWNER, OR TAXPAYER. THE STANDARD SEARCH WILL RETURN ANY UNLAPSED SECURED TRANSACTION RECORDS AND ANY FEDERAL LIEN THAT DESIGNATES A DEBTOR, OWNER, OR TAXPAYER NAME THAT MATCHES THE NAME ENTERED INTO THE ELECTRONIC SEARCHING APPLICATION.

501.1.1 LAPSED RECORDS. A STANDARD SEARCH MAY INCLUDE ALL LAPSED SECURED TRANSACTION RECORDS WHICH NAME A DEBTOR, OWNER, OR TAXPAYER THAT MATCHES THE NAME ENTERED INTO THE ELECTRONIC SEARCHING APPLICATION.

501.1.2 CERTIFICATION OF A STANDARD SEARCH. THE RESULTS OF A STANDARD SEARCH WILL BE CERTIFIED BY THE SECRETARY OF STATE UPON REQUEST, WITH THE PROVISION OF INFORMATION IDENTIFYING THE REQUESTOR, AND PAYMENT OF ANY APPLICABLE FEE.

~~501.2 Requesting party. The name and address of the person to whom the search report is to be sent.~~

~~501.3 Fee. The appropriate fee may be enclosed, payable by a method described in rule 113, or shall be paid upon receipt of an invoice from this office.~~

~~501.4 Search request with filing. If a filer requests a search at the time a UCC document is filed, by checking the box on the form set forth in UCC §9-521 or otherwise, the name to be searched will be the debtor name as set forth on the form, the~~

~~requesting party will be the remitter of the UCC document, and the search request will be deemed to request a search that would be effective to retrieve all financing statements filed on or prior to the date the UCC document is filed.~~

502 ~~Optional information. A UCC search request may contain any of the following information.~~ OPTIONAL SEARCH REQUEST CRITERIA. THE SECRETARY OF STATE MAY ALLOW SEARCHES OF THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM USING SEARCH CRITERIA BEYOND THE NAME OF A DEBTOR, OWNER, OR TAXPAYER. THE RESULTS OF THESE SEARCH REQUESTS WILL INCLUDE SECURED TRANSACTION RECORDS AND FEDERAL LIENS THAT MATCH THE SEARCH CRITERIA ENTERED INTO THE ELECTRONIC SEARCHING APPLICATION BY THE SEARCHER.

502.1 ~~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 address of the debtor,] the city of the debtor, the date of filing (or a range of filing dates) or the identity of the secured party(ies) of record on the financing statements located by the related search. The request may ask for copies of UCC documents identified on the primary search response.~~ CERTIFICATION. THE SECRETARY OF STATE WILL NOT CERTIFY THE RESULTS OF ANY SEARCHES PERFORMED USING THE OPTIONAL SEARCH CRITERIA.

502.2 ~~A request that the search of a debtor name be limited to debtors in a particular city or a particular address. A report created by the Secretary of State in response to such a request shall contain the following statement:~~

~~“A search limited to a particular address may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search.”~~

502.3 ~~Instructions on the mode of delivery requested, if other than by ordinary mail, which request will be honored if the requested mode is then made available by the Secretary of State’s office.~~

503 Rules applied to STANDARD search requests. Search results are created by applying standardized search logic to the name ~~presented to the Secretary of State by the person requesting the search~~—A SEARCHER ENTERS IN A STANDARD SEARCH FUNCTION OF THE ELECTRONIC SEARCHING APPLICATION. Human judgment does not play a role in determining the results of the search. The following, and only the following, rules are applied to conduct searches.

503.1 ~~There is no limit to the number of matches that may be returned in response to the search criteria.~~ SEARCH RESULT LIMITS. SEARCH RESULTS ARE LIMITED TO 500 MATCHING RECORDS.

503.2 ~~No distinction is made between upper and lower case letters.~~ STANDARD SEARCH LOGIC - ORGANIZATION NAME NORMALIZATION. THE STANDARD SEARCH LOGIC OF THE SECRETARY OF STATE WILL NORMALIZE AN ORGANIZATIONAL NAME AS FOLLOWS:

- 503.2.1 ALL LETTERS WILL BE CONVERTED TO UPPER CASE.
- 503.2.2 AN AMPERSAND (“&”) WILL BE CONVERTED TO “AND”.
- 503.2.3 ALL ARTICLES, SUCH AS “THE”, “A”, AND “AN”, THAT PRECEDE OR FOLLOW THE NAME WILL BE REMOVED.
 - 503.2.3.1 THE CHARACTER “A” WILL BE CONSIDERED AN ARTICLE IF FOLLOWED BY A SPACE AND TWO OR MORE CHARACTERS UNLESS THE CHARACTERS FOLLOWING THE SPACE ARE “AND[SPACE]”.
 - 503.2.3.2 IF “[SPACE]A” IS THE LAST CHARACTER IN A NAME, “A” WILL BE CONSIDERED AN ARTICLE.
- 503.2.4 ALL CHARACTERS, INCLUDING PUNCTUATION, OUTSIDE OF 0-9 AND A-Z WILL BE REPLACED WITH A SINGLE SPACE.
- 503.2.5 ANY AND ALL LEADING AND TRAILING SPACES WILL BE REMOVED.
- 503.2.6 ALL MULTIPLE CONSECUTIVE SPACES WITHIN THE NAME WILL BE REDUCED TO ONE SPACE.

~~503.3 Punctuation marks and accents are disregarded.~~

503.4503.2.7 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~~ SECRETARY OF STATE as from time to time, are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing). THE “ENDING NOISE WORDS” LIST IS AVAILABLE UPON REQUEST AND ON THE SECRETARY OF STATE’S WEBSITE.

- 503.2.8 ALL SPACES WILL BE REMOVED FROM THE NAME IN ORDER TO CONCATENATE THE NAME.

503.3 STANDARD SEARCH LOGIC - INDIVIDUAL NAME NORMALIZATION. THE STANDARD SEARCH LOGIC OF THE SECRETARY OF STATE WILL NORMALIZE AN INDIVIDUAL NAME AS FOLLOWS.

- 503.3.1 ONLY THE LAST, FIRST, AND MIDDLE NAMES WILL BE USED.
- 503.3.2 A LAST NAME MUST BE PROVIDED.
- 503.3.3 ALL LETTERS WILL BE CONVERTED TO UPPER CASE.
- 503.3.4 ALL CHARACTERS, INCLUDING PUNCTUATION, OUTSIDE OF 0-9 AND A-Z WILL BE REPLACED BY A SPACE.

503.3.5 ALL SPACES IN A LAST NAME, FIRST NAME, OR MIDDLE NAME WILL BE REMOVED.

503.3.6 AN INDIVIDUAL NAME MAY BE SEARCHED USING ANY OF THE FOLLOWING COMBINATIONS:

503.3.6.1 LAST NAME;

503.3.6.2 LAST NAME, FIRST INITIAL;

503.3.6.3 LAST NAME, FIRST INITIAL, MIDDLE INITIAL;

503.3.6.4 LAST NAME, FIRST INITIAL, MIDDLE NAME;

503.3.6.5 LAST NAME, FIRST NAME;

503.3.6.6 LAST NAME, FIRST NAME, MIDDLE INITIAL; AND

503.3.6.7 LAST NAME, FIRST NAME, MIDDLE NAME.

503.4 A NORMALIZED NAME AS A NULL VALUE. A NORMALIZED NAME MAY BE A NULL VALUE.

503.5 ~~The word "the" at the beginning of the search criteria is disregarded.~~ STANDARD SEARCH LOGIC RESULTS. THE STANDARD SEARCH LOGIC WILL USE THE NORMALIZED NAME TO SEARCH THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM AND TO PRODUCE SEARCH RESULTS.

503.5.1 NORMALIZED ORGANIZATION NAMES. ONLY NAMES THAT ARE AN EXACT MATCH OF THE NORMALIZED NAME WILL BE INCLUDED IN THE SEARCH RESULTS.

503.5.2 NORMALIZED INDIVIDUAL NAMES. ONLY LAST NAMES THAT ARE AN EXACT MATCH OF THE NORMALIZED LAST NAME WILL BE INCLUDED IN THE SEARCH RESULTS.

503.5.3 ONLY A LAST NAME IS PROVIDED. IF A SEARCH IS CONDUCTED USING ONLY A LAST NAME, THE SEARCH RESULTS WILL INCLUDE DEBTORS ON RECORD WITH ONLY A LAST NAME.

503.5.4 INDIVIDUAL FIRST AND MIDDLE NAMES. THE RESULTS OF A SEARCH USING A FIRST NAME, MIDDLE NAME, OR BOTH WILL INCLUDE THE NORMALIZED FIRST NAME, NORMALIZED MIDDLE NAME, OR BOTH WITH TRAILING WILDCARDS.

~~503.6 All spaces are disregarded.~~

~~503.7 For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and no middle name or initial is~~

~~equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.~~

~~503.8 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. UPON SUBMITTING A SEARCH REQUEST USING THE ELECTRONIC SEARCHING APPLICATION, A LIST OF RESULTS MATCHING THE SEARCH CRITERIA WILL BE PROVIDED. IF NO INFORMATION MATCHING THE SEARCH CRITERIA IS RETURNED, THE ELECTRONIC SEARCHING APPLICATION WILL INDICATE THAT THE SEARCH CRITERIA DOES NOT RETURN ANY RESULTS. A REPORT OF THE SEARCH RESULTS WILL BE AVAILABLE. Reports created in response to a search request ~~shall~~ will include the following:

504.1 ~~Filing officer. Identification of the filing officer and the certification of the filing officer required by the UCC.~~ FILING OFFICE IDENTIFICATION. THE SECRETARY OF STATE WILL BE IDENTIFIED AS THE REPORT PROVIDER.

504.2 ~~Report date. The date the report was generated.~~ PROCESSED THROUGH DATE. EACH REPORT WILL INDICATE THE DATE THROUGH WHICH THE SECRETARY OF STATE HAS PROCESSED ALL RECORDS THAT HAVE BEEN RECEIVED, ACCEPTED, AND FILED.

504.3 ~~Name searched. Identification of the name searched.~~ SEARCH CRITERIA. THE REPORT WILL INDICATE THE DATA THAT WAS USED TO GENERATE THE REPORT. SEARCH CRITERIA THAT MAY BE USED INCLUDE THE FOLLOWING:

504.3.1 DEBTOR NAME. THE DEBTOR, OWNER, OR TAXPAYER NAME USED TO CONDUCT THE SEARCH WILL BE INDICATED.

504.3.2 EXACT MATCH. THE REPORT WILL INDICATE IF THE SEARCH RESULTS ARE LIMITED TO AN EXACT MATCH OF THE DEBTOR NAME USED TO CONDUCT THE SEARCH.

504.3.3 NORMALIZED ORGANIZATION NAME. THE NORMALIZED NAME USED TO CONDUCT A STANDARD SEARCH FOR AN ORGANIZATION WILL BE INDICATED.

504.3.4 DEBTOR CITY. THE REPORT WILL INDICATE IF THE SEARCH RESULTS ARE LIMITED TO A DEBTOR'S CITY.

- 504.3.5 DEBTOR STATE. THE REPORT WILL INDICATE IF THE SEARCH RESULTS ARE LIMITED TO A DEBTOR'S STATE
- 504.3.6 DEBTOR ZIP/POSTAL CODE. THE REPORT WILL INDICATE IF THE SEARCH RESULTS ARE LIMITED TO A DEBTOR'S ZIP/POSTAL CODE.
- 504.3.7 SECURED PARTY NAME. THE SECURED PARTY OR CLAIMANT NAME USED TO CONDUCT THE SEARCH WILL BE INDICATED.
- 504.3.8 EXACT MATCH. THE REPORT WILL INDICATE IF THE SEARCH RESULTS ARE LIMITED TO AN EXACT MATCH OF THE SECURED PARTY NAME USED TO CONDUCT THE SEARCH.
- 504.3.9 SECURED PARTY CITY. THE REPORT WILL INDICATE IF THE SEARCH RESULTS ARE LIMITED TO A SECURED PARTY'S CITY.
- 504.3.10 SECURED PARTY STATE. THE REPORT WILL INDICATE IF THE SEARCH RESULTS ARE LIMITED TO A SECURED PARTY'S STATE.
- 504.3.11 SECURED PARTY ZIP/POSTAL CODE. THE REPORT WILL INDICATE IF THE SEARCH RESULTS ARE LIMITED TO A SECURED PARTY'S ZIP/POSTAL CODE
- 504.3.12 DATE RANGE. THE REPORT WILL INDICATE IF THE SEARCH RESULTS ARE LIMITED TO A DATE RANGE.
- 504.3.13 RECORD TYPE. THE REPORT WILL INDICATE IF THE SEARCH RESULTS ARE LIMITED TO ONE OR MORE TYPES OF RECORDS.
- 504.3.14 LAPSED RECORDS. THE REPORT WILL INDICATE IF THE SEARCH RESULTS INCLUDE LAPSED RECORDS.
- 504.4 ~~Certification date. The certification date applicable to the report; i.e., the date and time through the search is effective to reveal all relevant UCC documents filed on or prior to that date.~~ REPORT DATE AND TIME. THE DATE AND TIME THE REPORT WAS GENERATED WILL BE INDICATED.
- 504.5 ~~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.~~ IDENTIFICATION OF RECORD OPENING DOCUMENTS. ANY RECORD OPENING DOCUMENT MATCHING THE SEARCH CRITERIA WILL BY RETRIEVED AND IDENTIFIED BY THE RECORD'S FILE NUMBER AND FILE DATE.
- 504.6 ~~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.~~ RECORD HISTORY. FOR EACH RECORD OPENING DOCUMENT IDENTIFIED ON THE REPORT, A LIST OF ALL RELATED RECORDS AND CORRECTIONS

FILED OR ENTERED ON OR PRIOR TO THE PROCESSED THROUGH DATE WILL BE IDENTIFIED WITH THE RECORD OPENING DOCUMENT.

504.7 ~~Copies. Copies of all UCC documents revealed by the search and requested by the searcher.~~ IDENTIFICATION OF MASTER RECORD INFORMATION. MASTER RECORD INFORMATION ON FILE WITH THE SECRETARY OF STATE WILL INCLUDE THE FOLLOWING:

- 504.7.1 RECORD OPENING DOCUMENT FILE NUMBER.
- 504.7.2 RECORD OPENING DOCUMENT FILING DATE AND TIME.
- 504.7.3 TYPE OF RECORD.
- 504.7.4 EACH DEBTOR'S NAME AND ADDRESS.
- 504.7.5 EACH SECURED PARTY'S NAME AND ADDRESS.
- 504.7.6 AMENDMENT FILE NUMBER.
- 504.7.7 AMENDMENT FILING DATE AND TIME.
- 504.7.8 TYPE OF AMENDMENT.
- 504.7.9 CORRECTION STATEMENT FILE NUMBER.
- 504.7.10 CORRECTION STATEMENT FILING DATE AND TIME.
- 504.7.11 FILING OFFICER CORRECTION DATE.
- 504.7.12 LAPSE DATE. FOR EACH RECORD OPENING DOCUMENT IDENTIFIED ON THE REPORT, A LAPSE DATE WILL BE INDICATED, UNLESS NO LAPSE DATE EXISTS.

504.8 ~~Certification of UCC documents, copies, printouts, and reports.~~

504.8.1 ~~Documents recorded with the Secretary of State's office. Documents properly recorded with the Secretary of State's office may be certified by the Secretary of State in response to a search request as required by the UCC.~~

504.8.2 ~~Documents not recorded with the Secretary of State's office. Documents not recorded with the Secretary of State's office, including any documents filed or recorded solely at county filing offices under any former filing or indexing system, cannot be certified by the Secretary of State.~~

505 COPIES. UPON REQUEST AND SUBJECT TO AVAILABILITY, THE SECRETARY OF STATE WILL PROVIDE AN IMAGE OF A RECORD THAT IS ON FILE WITH THE SECRETARY OF STATE AND RETRIEVED THROUGH THE ELECTRONIC SEARCHING APPLICATION.

506 CERTIFICATION OF SECURED TRANSACTION RECORDS AND REPORTS.

506.1 SECURED TRANSACTION RECORDS RECORDED WITH THE SECRETARY OF STATE. SECURED TRANSACTION RECORDS THAT ARE AVAILABLE THROUGH THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM MAY BE CERTIFIED BY THE SECRETARY OF STATE IN RESPONSE TO A SEARCH REQUEST AS REQUIRED BY APPLICABLE LAW.

506.1.1 SECURED TRANSACTION RECORDS CERTIFIED BY THE SECRETARY OF STATE. THE UNREDACTED IMAGE OF THE ORIGINAL SECURED TRANSACTION RECORD WILL BE PROVIDED IN RESPONSE TO A REQUEST FOR A CERTIFIED RECORD.

506.2 REPORTS. REPORTS GENERATED FROM THE RESULTS OF A STANDARD SEARCH MAY BE CERTIFIED BY THE SECRETARY OF STATE AS REQUIRED BY APPLICABLE LAW.

506.2.1 CERTIFICATION IDENTIFICATION NUMBER. THE SECRETARY OF STATE WILL ASSIGN A UNIQUE IDENTIFYING NUMBER TO EACH CERTIFIED REPORT.

506.3 MEDIUM OF CERTIFIED RECORDS AND REPORTS. A CERTIFIED REPORT OR RECORD PRODUCED OR GENERATED BY THE SECRETARY OF STATE WILL BE COMMUNICATED IN AN ELECTRONIC MEDIUM.

506.3.1 HARDSHIP CERTIFICATION. IN THE CASE OF HARDSHIP, THE SECRETARY OF STATE MAY, AT ITS DISCRETION, ALLOW FOR THE COMMUNICATION OF A CERTIFIED REPORT OR RECORD IN A MEDIUM OTHER THAN AN ELECTRONIC MEDIUM. HARDSHIP CERTIFICATION REQUESTS WILL ONLY BE ACCEPTED AFTER THE REQUESTER HAS RECEIVED PRIOR APPROVAL FROM THE SECRETARY OF STATE.

507 HARDSHIP SEARCH REQUESTS. A HARDSHIP SEARCH REQUEST WILL BE PROCESSED ONLY IF THE REQUEST WAS PREAPPROVED BY THE SECRETARY OF STATE AND IS TENDERED WITH ANY APPLICABLE FEE. THE SECRETARY OF STATE WILL DETERMINE THE POLICY AND PROCEDURE USED TO ACCEPT A SECURED TRANSACTION SEARCH REQUEST UNDER HARDSHIP.

~~Numbers 505 through 599 are reserved.~~

~~Section 6 — Other Notices of Liens~~

SECTION 6. OTHER NOTICES OF LIENS

600 Policy statement. ~~The purpose of rules in this section is to describe~~ THIS RULE DESCRIBES records of liens ~~maintained by~~ THAT the Secretary of State ~~created pursuant to~~ MAINTAINS ACCORDING TO statutes other than the UCC that ~~are treated by~~ the Secretary of State TREATS in a manner substantially similar to UCC ~~document~~ RECORDS and THAT are

~~included on request with the reports described in rule 504~~ IN SEARCH RESULTS OBTAINED THROUGH THE ELECTRONIC SEARCHING APPLICATION.

601 Notice of federal tax lien. ~~Processed in accordance with §38-25-104, C.R.S.~~ ALL NOTICES OF FEDERAL TAX LIEN ARE PROCESSED IN ACCORDANCE WITH ARTICLE 25 OF TITLE 38, C.R.S.

~~602 Notice of state tax lien. Reserved.~~

~~603 Notice of other lien in favor of a governmental body. Reserved.~~

~~604 Agricultural liens. Reserved.~~

~~605 Notice of lien in favor of a private individual. Reserved.~~

~~Numbers 606 through 699 are reserved.~~

Section 7 — Rule Making Procedure

~~700 Policy statement. Rule Making shall be conducted in accordance with the Colorado Administrative Procedures Act.~~

~~Numbers 701 through 799 are reserved.~~

Section 8 — EFS Filings

Section 7. EFS Filings

800700 Incorporation of prior sections. Sections 1 through 78 of these rules apply to filings and other actions made under the EFS Act to the extent not inconsistent with the EFS Act and this Section 87.

801701 Farm products codes. THE LIST OF FARM PRODUCT IS FOUND IN THE FEDERAL REGISTER AND IS POSTED ON THE SECRETARY OF STATE'S WEBSITE. ~~The following farm products shall be identified code products under the EFS Act:~~

~~801.1 Livestock and Livestock Products :~~

~~Cattle & calves; Angora; Beefalo; Buffalo; Chickens; Ducks; Eggs; Elk; Emus; Fish (with specification by secured party); Fur animals (with specification by secured party); Geese; Hogs; Horses; Llamas; Milk; Mules; Ostriches; Pheasants; Quail; Semen (with specification by secured party); Sheep & lambs; Turkeys; and Wool.~~

~~801.2 Field Crops :~~

~~Hay; Barley; Corn; Dry beans; Flax seed; Honey; Legumes; Millet; Oats; Popcorn; Rye Safflower; Seed crops (with specification by secured party); Silage; Sorghum grain; Soybeans; Sugar beets; Sunflower seeds; Tree (with specification by secured party); Triticale; Vetch; and Wheat.~~

701.1 THE FARM PRODUCTS CONTAINED IN THE LIST OF FARM PRODUCTS ARE CONSIDERED A SEPARATE AND DISTINCT FARM PRODUCT.

701.2 INCLUSION AND REMOVAL OF ADDITIONAL PRODUCTS. A PERSON MAY REQUEST THAT A FARM PRODUCT BE INCLUDED OR REMOVED FROM THE FARM PRODUCTS LIST. HOWEVER, THE SECRETARY OF STATE CANNOT CHANGE THE LIST WITHOUT THE UNITED STATES DEPARTMENT OF AGRICULTURE APPROVAL.

(This new Rule 701.2 is the relocated and amended current Rule 801.6)

~~801.3 Fruits :~~

~~Apples; Apricots; Cantaloupe; Cherries; Grapes; Honeydew melon; Nectarines; Peaches; Pears; Plums; Pumpkins; Strawberries; Raspberries; Muskmelon; and Watermelon.~~

~~801.4 Vegetables :~~

~~Artichokes; Asparagus; Broccoli; Cabbage; Carrots; Cauliflower; Celery; Cucumbers; Eggplant; Green peas; Green beans; Lettuce; Okra; Onions; Pecans; Peppers; Potatoes; Radishes; Snap beans; Squash; Sweet corn; Tomatoes; Turnips; and Walnuts.~~

~~801.5 Other farm products, not set forth above, may be included on the EFS by listing a specific product name in the appropriate "other" category, and shall be categorized by the Secretary of State under the farm product code groupings identified in rule 805.1.2 for inclusion in standardized partial master lists.~~

~~801.6 Inclusion of additional products. Program participants may propose from time to time farm products to the Secretary of State for inclusion in the identified product code list.~~

~~801.7 Numerical codes established. The numerical codes for these farm products shall be established by the Secretary of State, shall be utilized to enter information on the EFS, and are available on request from the Secretary of State.~~

~~801.8 Numerical codes required. If at any time numerical codes for farm products are required for implementing the EFS Act, the codes adopted by the Secretary of State shall apply.~~

~~801.9 Numerical codes amended. These codes, and the farm products groups, may be amended from time to time as the Secretary of State deems necessary.~~

~~802 Responsibility for information. The accuracy and completeness of information filed is ultimately the responsibility of the secured party. Forms submitted to the central filing office by secured parties will be entered as received. Neither the central filing officer nor the central filing office will not be responsible for omitted or inaccurate information filed with the central filing office.~~

803702 EFS filings.

~~803.1 The EFS must be filed in a filing office by the close of business on the last business day of the preceding period to be included on the next master list.~~

~~803.2 If a material change occurs in the information contained in an EFS, the secured party shall file an EFS Amendment Statement with a filing office. A "material change" is a change which will render the master list no longer informative as to what is subject to the security interest in question.~~

702.1 EFS. THE ELECTRONIC FILING APPLICATION WILL ALLOW THE CAPTURE OF ALL INFORMATION REQUIRED BY THE EFS ACT AND ALL INFORMATION NECESSARY TO PERFECT A UCC SECURITY INTEREST.

702.1.1 MASTER LIST NOTIFICATION AND RECORDS SUBMITTED FOR FILING. AN EFS IS THE ONLY RECORD THAT WILL CREATE A MASTER LIST NOTIFICATION.

702.2 EFS AMENDMENT. THE ELECTRONIC FILING APPLICATION WILL ALLOW AN EFS TO BE AMENDED.

702.3 MASTER LIST COMPILATION. THE EFS MASTER LIST IS COMPILED WITH THE INFORMATION CONTAINED IN EACH EFS AND EFS AMENDMENT.

702.3.1 MASTER LIST NOTIFICATION. TO BE INCLUDED THE MONTHLY MASTER LIST, AN EFS OR AN EFS AMENDMENT MUST BE ELECTRONICALLY FILED ON OR BEFORE 11:59 P.M. MOUNTAIN TIME ON THE LAST DAY OF THE PREVIOUS MONTH.

703 EFS MASTER LIST COMPILATION AND DISTRIBUTION.

703.1 COMPILATION MONTH AND DISTRIBUTION MONTH. FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING TERMS ARE DEFINED.

703.1.1 "COMPILATION MONTH" MEANS THE CALENDAR MONTH FOR WHICH THE MASTER LIST IS COMPILED.

703.1.2 "DISTRIBUTION MONTH" MEANS THE MONTH IMMEDIATELY FOLLOWING A COMPILATION MONTH AND THE MONTH IN WHICH THE MASTER LIST IS DISTRIBUTED TO MASTER LIST REGISTRANTS. FOR EXAMPLE, DECEMBER IS THE DISTRIBUTION MONTH FOR THE MASTER LIST COMPILED FOR NOVEMBER, WHICH WOULD INCLUDE EACH EFFECTIVE EFS AND EFS AMENDMENT FILED ON OR BEFORE 11:59 P.M. ON NOVEMBER 30TH.

703.2 MONTHLY COMPILATION. THE SECRETARY OF STATE WILL COMPILE THE EFS MASTER LIST ON A MONTHLY BASIS. AN EFS AND EFS AMENDMENT THAT HAS LAPSED OR BEEN TERMINATED ON OR BEFORE THE LAST DAY OF THE COMPILATION MONTH WILL NOT IN THE MASTER LIST.

- 703.2.1 COMPILATION DEADLINE. THE SECRETARY OF STATE WILL COMPILE THE MONTHLY MASTER LIST NO LATER THAN THE TENTH DAY OF THE DISTRIBUTION MONTH.
- 703.2.2 ORGANIZATION OF THE MASTER LIST. THE MASTER LIST MAY BE ORGANIZED AND DISTRIBUTED AS MULTIPLE LISTS ARRANGED BY DEBTOR NAME, DEBTOR UNIQUE IDENTIFIER, COUNTY, AND CROP YEAR.
- 703.3 EFS MASTER LIST DISTRIBUTION.
- 703.3.1 MONTHLY DISTRIBUTION OF THE MASTER LIST. THE MASTER LIST IS DISTRIBUTED ON A MONTHLY BASIS.
- 703.3.2 DISTRIBUTION METHOD. A MASTER LIST REGISTRANT MAY OBTAIN THE MASTER LIST ELECTRONICALLY. THE MASTER LIST MAY BE DOWNLOADED FROM THE SECRETARY OF STATE'S WEBSITE OR IT MAY BE SEARCHED USING THE SECRETARY OF STATE'S WEBSITE. UPON REQUEST AND PAYMENT OF ALL APPLICABLE FEES, A MASTER LIST REGISTRANT MAY RECEIVE A PAPER COPY OF THE MASTER LIST.
- 703.3.3 CUSTOM LIST DISTRIBUTION. A PERSON MAY ONLY OBTAIN A CUSTOM LIST BY SEARCHING THE EFS MASTER LIST THROUGH THE SECRETARY OF STATE'S WEBSITE AND THEN DOWNLOADING THE SEARCH RESULTS. CUSTOM LIST CRITERIA MAY BE ENTERED TO LIMIT EFS MASTER LIST SEARCH AND THE SYSTEM WILL RETURN ALL MATCHING MASTER LIST RESULTS.
- 703.3.4 DISTRIBUTION DEADLINE. EACH MONTHLY MASTER LIST WILL BE AVAILABLE NO LATER THAN THE FIFTEENTH DAY OF THE DISTRIBUTION MONTH. ONCE DISTRIBUTED, CUSTOM LISTS WILL ALSO BE AVAILABLE.
- 703.4 DEBTOR NAME CUSTOM LISTS. A CUSTOM LIST OF ALL FARM PRODUCTS IN ALL COUNTIES SORTED BY DEBTOR NAME IS AVAILABLE FOR DOWNLOAD FROM THE SECRETARY OF STATE'S WEBSITE.
- 703.5 FAILURE TO COMPLETE COMPILATION AND DISTRIBUTION BY THE DEADLINE. IF THE COMPILATION AND DISTRIBUTION OF THE MASTER LIST CANNOT COMPLETED BY THE FIFTEENTH DAY OF THE DISTRIBUTION MONTH, THEN THE SECRETARY OF STATE WILL COMMUNICATE THE FACT OF AND REASON FOR SUCH FAILURE TO ALL MASTER LIST REGISTRANTS AND ON THE SECRETARY OF STATE'S WEBSITE.
- 704 MASTER LIST REGISTRATION.
- 704.1 REGISTRATION. REGISTRATION IS NOT NECESSARY TO DOWNLOAD OR SEARCH THE MASTER LIST THROUGH THE SECRETARY OF STATE'S WEBSITE. A PERSON MAY BECOME A MASTER LIST REGISTRANT BY REGISTERING TO RECEIVE EMAIL NOTIFICATION THAT THE MASTER LIST HAS BEEN PUBLISHED AND DISTRIBUTED. REGISTRATION IS COMPLETED BY CREATING AN ACCOUNT THROUGH THE

SECRETARY OF STATE'S WEBSITE AND CHOOSING TO RECEIVE NOTIFICATION. A PERSON WHO REQUESTS A PAPER COPY OF THE MASTER LIST MUST CONTACT THE SECRETARY OF STATE'S OFFICE, COMPLETE A REGISTRATION FORM, AND PAY ALL APPLICABLE FEES.

704.2 REGISTRATION CHANGES. A MASTER LIST REGISTRANT IS RESPONSIBLE FOR CHANGING THE REGISTRANT'S CONTACT INFORMATION. CHANGES ARE COMPLETED THROUGH THE SECRETARY OF STATE'S WEBSITE.

704.3 DURATION. MASTER LIST REGISTRATIONS WILL BE EFFECTIVE ANNUALLY.

704.4 RENEWAL. MASTER LIST REGISTRATIONS WILL AUTOMATICALLY BE RENEWED UNLESS A REGISTRANT CANCELS THE REGISTRATION. THE SECRETARY OF STATE WILL NOTIFY EACH REGISTRANT IN JUNE THAT THE REGISTRANT'S REGISTRATION WILL BE RENEWED ON JULY 1 AUTOMATICALLY.

705 EFS FILING FEES AND EFS MASTER LIST FEES. FEES FOR PROCESSING EFS RECORDS, SEARCHES, COPIES AND OTHER SERVICES WILL BE ADOPTED AND PUBLISHED BY THE SECRETARY OF STATE FROM TIME TO TIME. INFORMATION, INSTRUCTIONS, AND A FEE SCHEDULE ARE AVAILABLE UPON REQUEST AND ON THE SECRETARY OF STATE'S WEBSITE.

(This new Rule 705 is the relocated and amended current Rule 806)

~~804 EFS forms.~~

~~804.1 The initial financing statement shall be completed by secured parties seeking to notify, pursuant to the EFS Act, buyers, commission merchants, or selling agents of a lien on farm products. In order for EFS information to be accessible to buyers of farm products, commission merchants, and selling agents, the EFS must be filed with the central filing office. Said form shall consist of any UCC-1 form acceptable to said filing office for lien perfection purposes plus an addendum prescribed and distributed by the central filing officer, if necessary to provide all required EFS information.~~

~~804.2 Any UCC-3 form acceptable to the central filing office for filing purposes, plus an addendum prescribed and distributed by the central filing officer, if necessary to provide all required EFS information, shall be used for amendments, continuations, partial releases, assignments and terminations of information filed on an EFS. Partial releases and assignments shall be treated as amendments.~~

~~804.3 The EFS forms will allow identification of farm products other than those set forth in section 801 above. The secured party may enter a specific name of a farm product. Any entry shall be specific, for example, "reptile" will be unacceptable as too general but "alligator" would be acceptable.~~

~~804.4 The EFS form requires the secured party to specify certain farm products under certain general categories. For example, the specific type of fish or fur bearing~~

~~animal must be entered by the secured party, such as “trout” or “mink”, respectively.~~

~~804.5 If an amount of farm product or reasonable description of the property is necessary for a buyer to identify what property owned by a person is subject to the lien and what property owned by the person is not, that information shall be entered in the space provided on the EFS form.~~

~~804.6 If an amount of any product is not entered, the interpretation shall be that all of such product is subject to the security interest.~~

~~804.7 If a county code is entered without further description, the interpretation shall be that all named products in the particular county or counties are subject to the security interest.~~

~~804.8 If no crop year is specified, the interpretation shall be that the product is subject to the security interest for every year the EFS is effective.~~

~~805 EFS Master List Distributions and Buyer Registration:~~

~~805.1 EFS Master list distributions:~~

~~805.1.1 Each subsequent master list and/or partial master list (s) shall be distributed on an annual basis, with at least three quarterly cumulative supplements, or more frequent supplements may be issued as determined by the central filing officer,, reflecting all new filings, changes and terminations since the last list.~~

~~805.1.2 The following product code groupings shall be considered standardized partial master lists:~~

~~805.1.2.1 Livestock and Livestock Products;~~

~~805.1.2.2 Field Crops;~~

~~805.1.2.3 Fruits and Vegetables.~~

~~805.1.3 The products set forth in section 801 above constitute the product code groupings and corresponding products.~~

~~805.1.4 The following county groupings are standardized geographic groupings pertaining to the standardized product groups above:~~

~~805.1.4.1 Group 1, northwestern Colorado: Moffat, Routt, Grand, Rio Blanco, Garfield, Eagle, Summit, and Pitkin;~~

~~805.1.4.2 Group 2, western Colorado: Mesa, Delta, Gunnison, and Montrose;~~

~~805.1.4.3 Group 3, southwestern Colorado: Ouray, San Miguel, Hinsdale, Saguache, Dolores, San Juan, Mineral, Rio Grande, Alamosa, Montezuma, La Plata, Archuleta, Conejos, and Costilla;~~

~~805.1.4.4 Group 4: north central Colorado: Jackson, Larimer, Boulder, Gilpin, Clear Creek, Jefferson, Denver, Adams, Broomfield and Arapahoe;~~

~~805.1.4.5 Group 5: Weld county;~~

~~805.1.4.6 Group 6, northeast Colorado: Morgan, Logan, Sedgwick, and Phillips;~~

~~805.1.4.7 Group 7, eastern Colorado: Washington, and Yuma;~~

~~805.1.4.8 Group 8, central Colorado: Lake, Park, Douglas, Chaffee, Teller, El Paso, Fremont, Pueblo, Custer, and Huerfano;~~

~~805.1.4.9 Group 9, eastern central Colorado: Elbert, Lincoln, Kit Carson, Cheyenne, and Crowley;~~

~~805.1.4.10 Group 10, southeastern Colorado: Kiowa, Otero, Bent, Prowers, Las Animas, and Baca.~~

~~805.1.5 The county groups may be amended from time to time as the Secretary of State deems necessary.~~

~~805.1.6 A standardized paper partial master list order shall be Livestock and Livestock Products and/or Field Crops from any or all of the 10 county groupings set forth above. A standardized paper partial master list for Fruits and Vegetables shall include the entire state. Out of state filings will be included in each list.~~

~~805.1.7 A standardized partial master list in computer readable or direct computer access form order shall be:~~

~~805.1.7.1 Livestock and Livestock Products and/or Field Crops from any or all of the following county group combinations:~~

~~805.1.7.1.1 Groups 1,2 and 3;~~

~~805.1.7.1.2 Groups 4 and 5;~~

~~805.1.7.1.3 Groups 6 and 7;~~

~~805.1.7.1.4 Groups 8, 9, and 10.~~

~~The county groups may be amended from time to time as the Secretary of State deems necessary. Out of state filings will be included in each county group combination.~~

~~805.1.7.2 A standardized partial master list in computer readable or direct computer access form for Fruits and Vegetables shall include the entire state. Out of state filings will be included. A state map indicating county groupings is available from the Secretary of State.~~

~~805.1.8 The master list recipient may request preparation of one or more special lists, other than those described above. Fees for processing EFS documents, searches, copies and other services will be adopted and published by the Secretary of State from time to time. Information, instructions, and a fee schedule are available on request and from the web site of the Secretary of State.~~

~~805.1.9 Master lists and partial master lists may be obtained on paper, in computer readable form, or by direct computer access. Computer disks are currently available for IBM, or IBM compatible systems. The master list recipient should check from time to time with the central filing officer to see if other file or system formats are available.~~

~~805.1.10 A Partial Master List Order form, available from the central filing officer, shall be utilized by the buyer, commission merchant, or selling agent in selecting portions of the master list for distribution. Said form shall be filed with the central filing officer.~~

~~805.2 Buyer registration.~~

~~805.2.1 Any buyer of Colorado farm products, commission merchant, or selling agent who wishes to register with or subscribe to the master list must complete a buyer registration form and file it with the central filing officer. The form is available upon request from the central filing officer and may be completed at any time. A buyer, commission merchant or selling agent who uses either of the online services, dial up modem or the Internet, to access the master list will be considered to have registered once a logon name and password have been issued by the central filing officer.~~

~~805.2.2 The buyer shall notify the central filing officer in writing of any change in name, address, telephone number or like information. Said notice of change shall be made within 30 days of said changes(s). Notification of such changes is not necessary for those buyers, commission merchants or selling agents who utilize the online access to the master list.~~

~~805.2.3 Buyers of Colorado farm products, commission merchants, and selling agents shall renew their registrations or subscriptions to the master list~~

~~provided for in the EFS Act annually. All buyer registrations expire June 30 of each year.~~

~~805.3 Assisted access to EFS information. The central filing officer may provide one or more human operators to receive inquiries by telephone, fax, mail, or other means approved by the central filing officer regarding the EFS master file and conduct searches therein for authorized parties during business day hours of the central filing office.~~

~~806 EFS Filing Fees and EFS Master List Fees. Fees for processing EFS documents, searches, copies and other services will be adopted and published by the Secretary of State from time to time. Information, instructions, and a fee schedule are available on request and from the website of the Secretary of State.~~

(Current Rule 806 would be relocated to new Rule 705)

~~Numbers 807 through 899 are reserved.~~

~~Numbers 900 through 999 are reserved.~~

SECTION 8. LIEN REGISTRATION ACT

800 INCORPORATION OF PRIOR SECTIONS. SECTIONS 1 THROUGH 6 OF THESE RULES APPLY TO FILINGS AND OTHER ACTIONS MADE UNDER THE LIEN REGISTRATION ACT TO THE EXTENT SUCH RULES ARE NOT INCONSISTENT WITH THE LIEN REGISTRATION ACT AND THIS SECTION 8.

801 LAPSE DATE. A NOTICE OF LIEN, OTHER THAN A RESTITUTION LIEN OR CHILD SUPPORT LIEN, WILL NOT INDICATE A LAPSE DATE IN THE SECURED TRANSACTIONS INFORMATION MANAGEMENT SYSTEM, UNLESS A NOTICE OF LIEN HAS BEEN TERMINATED.

801.1 RESTITUTION LIEN. A NOTICE OF LIEN FOR A RESTITUTION LIEN IS EFFECTIVE FOR 12 YEARS. A LAPSE DATE IS CALCULATED IN ACCORDANCE WITH RULE 402.

801.2 CHILD SUPPORT LIEN. A NOTICE OF LIEN FOR A CHILD SUPPORT LIEN IS EFFECTIVE FOR 12 YEARS. A LAPSE DATE IS CALCULATED IN ACCORDANCE WITH RULE 402.

801.3 LAPSE DATE OF A TERMINATED NOTICE OF LIEN. THE LAPSE DATE OF A TERMINATED NOTICE OF LIEN IS THE DATE THAT THE NOTICE OF AMENDMENT TERMINATING THE NOTICE OF LIEN WAS FILED.

801.4 CONTINUATION OF EFFECTIVENESS. A FILER MAY SUBMIT ONE OR MORE NOTICES OF AMENDMENT CONTINUING THE EFFECTIVENESS OF A NOTICE OF LIEN.

802 ADDITIONAL INFORMATION OR RECORD. THE ELECTRONIC FILING APPLICATION AND THE SYSTEM-TO-SYSTEM TRANSFER METHOD WILL ACCEPT AN ELECTRONIC ATTACHMENT.

SECTION 9. REDACTION OF TAX IDENTIFICATION NUMBERS

- 900 REDACTION AUTHORITY. THE SECRETARY OF STATE MAY REDACT ANY TAX IDENTIFICATION NUMBER CONTAINED IN A SECURED TRANSACTION RECORD IN ACCORDANCE WITH SECTION 24-21-302(1), C.R.S.
- 901 REDACTION METHOD. THE SECRETARY OF STATE PROCESSES EACH SECURED TRANSACTION RECORD USING AUTOMATED REDACTION SOFTWARE TO IDENTIFY AND REDACT ANY TAX IDENTIFICATION NUMBER.
- 901.1 VERIFICATION OF AUTOMATED REDACTION SOFTWARE RESULTS. THE SECRETARY OF STATE MAY REVIEW PROCESSED IMAGES AND RESTORE INFORMATION DETERMINED NOT TO BE A TAX IDENTIFICATION NUMBER.
- 901.2 AVAILABILITY OF SECURED TRANSACTION RECORD IMAGES. AN IMAGE OF A SECURED TRANSACTION RECORD IS MADE AVAILABLE AS SOON AS PRACTICABLE AFTER BEING PROCESSED BY THE REDACTION SOFTWARE.
- 901.2.1 ACKNOWLEDGMENT. UPON COMPLETION OF THE FILING PROCESS, THE FILER RECEIVES AN ACKNOWLEDGMENT COPY OF THE IMAGE OF THE FILED SECURED TRANSACTION RECORD. THE ACKNOWLEDGMENT COPY ARE NOT PROCESSED THROUGH THE AUTOMATED REDACTION SOFTWARE.
- 901.3 APPLICATION AND RETRIEVAL PROCESS FOR AN UNREDACTED ORIGINAL SECURED TRANSACTION RECORD. THE PROCEDURES TO RETRIEVE AN UNREDACTED ORIGINAL SECURED TRANSACTION RECORD ARE AVAILABLE UPON REQUEST OR ON THE SECRETARY OF STATE'S WEBSITE.
- 902 REQUESTING THE REDACTION OF A TAX IDENTIFICATION NUMBER. IF THE SECRETARY OF STATE FAILS TO REDACT A TAX IDENTIFICATION NUMBER, A PARTY MAY SUBMIT A REQUEST TO THE SECRETARY OF STATE TO REDACT THE TAX IDENTIFICATION NUMBER.
- 902.1 REDACTION REQUEST GUIDELINES. THE PROCEDURES FOR SUBMITTING A REQUEST TO REDACT A TAX IDENTIFICATION NUMBER ARE AVAILABLE FROM THE SECRETARY OF STATE UPON REQUEST.
- 903 RESTORATION OF REDACTED INFORMATION THAT IS NOT THE SOCIAL SECURITY NUMBER OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER OF AN INDIVIDUAL IDENTIFIED IN AN IMAGE OF A SECURED TRANSACTION RECORD. IF INFORMATION CONTAINED IN AN IMAGE OF A SECURED TRANSACTION RECORD WAS REDACTED IN ERROR, A PARTY MAY REQUEST THE RESTORATION OF THE REDACTED INFORMATION BY SUBMITTING A REQUEST TO THE SECRETARY OF STATE.
- 903.1 RESTORATION REQUEST GUIDELINES. THE PROCEDURES FOR SUBMITTING A REQUEST TO RESTORE REDACTED INFORMATION IN AN IMAGE OF A SECURED TRANSACTION RECORD ARE AVAILABLE FROM THE SECRETARY OF STATE UPON REQUEST.

II. Statutory authority for proposed rulemaking

The rule revisions and amendments are adopted in accordance with the following statutory provisions:

1. Section 4-9-526, C.R.S., (2011), which requires the Secretary of State to “adopt and publish rules to implement [Article 9 of Title 4, C.R.S.]”.
2. Section 4-9.5-110(2), C.R.S., (2011), which authorizes the Secretary of State to adopt “rules and regulations as are necessary to carry out the provisions of [Article 9.5 of Title 4, C.R.S.]...”.
3. Section 4-9.7-109, C.R.S., (2011), which requires the Secretary of State to “adopt and publish any rules necessary to implement [Article 9.7 of Title 4, C.R.S.]”.
4. Section 24-21-111(1)(a), C.R.S., (2011), which authorizes the Secretary of State to “require any filing to be made by electronic means as determined by the secretary of state.”
5. Section 24-21-111(2), C.R.S., (2011), which authorizes the Secretary of State to “designate electronic assess as the sole means of access to” documents stored by the Secretary of State or the Department of State.
6. Section 24-21-302(5), C.R.S., (2011), which authorizes the Secretary of State to adopt “any rules necessary to establish procedures for requesting the redaction of a tax identification number or the restoration of redacted information that is not the social security number or individual taxpayer identification number of an individual identified in such secured transaction record”.

III. Basis, Purpose, and Specific Statutory Authority

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

IV. Effective Date of Adopted Rules

These new and amended rules will become permanently effective on May 29, 2012.

Dated this 23rd Day of March, 2012,



Suzanne Staiert
Deputy Secretary of State

For

Scott Gessler
Colorado Secretary of State



Statement of Basis, Purpose, and Specific Statutory Authority

Office of the Secretary of State UCC Filing Office Rules 8 CCR 1505-7

March 23, 2012

I. Basis and Purpose

This statement is about amendments to the Colorado Secretary of State's UCC Filing Office Rules¹.

Generally, the revisions are necessary to:

- Implement the Colorado Secretary of State's duties under Colorado's Uniform Commercial Code, Central Filing of Effective Financing Statement Act, the Colorado Statutory Lien Registration Act, and Redaction of Tax Identification Numbers.² Specifically, the proposed rule amendments concern secured transactions, central filing of effective financing statements, filing of records relating to designated statutory liens, and redaction of tax identification numbers from secured transaction records
- Ensure the uniform and proper administration of the secured transactions program;
- Define and clarify terms;
- Provide for mandatory electronic filing of secured transaction documents;
- Provide for mandatory electronic searching of the secured transactions information management system;
- Implement the statutory mandate to electronically publish and distribute the master list of farm products;
- Clarify administrative processes for compiling and distributing the master list;
- Clarify how lapse dates and lapsed records are maintained in the secured transactions information management system;
- Clarify that filers can include attachments to an electronically filed document;
- Clarify provisions of the current rules;
- Establish rules to implement new statutory provisions; and
- Repeal obsolete and redundant rules.

¹ 8 CCR 1505-7.

² Articles 9, 9.5, and 9.7 of Title 4; and Part 3 of Article 21 of Title 24, C.R.S (2011).

The following is a detailed summary of the basis and purpose of the changes to the rules.

Section 1. General Provisions

Purpose, Policy, and Definitions

- New Rule 100 relocates the statement of purpose paragraph for easier reference. Subsequent rules are renumbered accordingly.
- Amendments to Rule 101 (formerly Rule 100) reflect newly enacted laws related to the filing of secured transactions.
- Amendments to Rule 102 (formerly Rule 101) clarify definitions as follows:
 - Remove terms that are defined in statute (i.e. debtor, secured party, secured party of record, etc.) or that do not aid the reader's understanding of the rules;
 - Add terms that clarify the rules; and
 - Add terms applicable to new laws.

Mandatory electronic filing and searching

- Amendments to Rule 103 (formerly Rule 106) mandate electronic filing as the only method of delivery authorized by the Secretary of State. Electronic filing increases efficiency, reduces time delays, reallocates staff resources, and eliminates filing office errors often experienced with processing paper documents. Filers prefer the flexibility and efficiency of electronic filing over paper-based filings. Additionally, the Business and Licensing Division received a positive response from filers for other electronically mandated transactions.
 - Under section 4-9-516(b)(1) filing does not occur if a record is not communicated by "a method or medium of communication authorized by the filing office." If a document is communicated to the Secretary of State via an unauthorized method or medium of communication, the Secretary of State will refuse the document.
 - Section 24-21-111(1), C.R.S., gives the Secretary of State authority to require any filing to be made by electronic means as determined by the Secretary of State."
- The Secretary of State consulted with several customer groups prior to rulemaking. Customers identified the following three prerequisites necessary to implement effective and equitable mandatory electronic filing:
 - The Secretary of State must redesign and deploy the secured transaction system;
 - The system must enable filers to include electronic attachments, such as PDF documents, with an electronic filing; and
 - The system must accommodate filing via an XML transfer process.
- These issues are addressed by the Darwin Project to redesign the UCC filing and searching system.
 - The Rules will not become effective until the Darwin system is developed, completely tested, and launched. Once the Darwin system is fully operational, Senate Bill 06-188 ("SB06-188") requires the Colorado Secretary of State to give notice to the Colorado Revisor of Statutes that the system functions and that the United States Department of Agriculture approved the changes to the Colorado Central Filing

System.³ The statutory and regulatory changes become effective 90 days after giving notice to the Revisor.

- Filers will be able to attach text (.txt) and PDF documents to all secured transaction filings. Filers can attach up to fifty documents with a total file size of ten megabytes (MB).
- Filers can submit secured transaction records via an XML transfer process that utilizes recognized XML standards.
- Some customers also expressed a desire to pay using an ACH-EFT payment method. Technical limitations and a lack of demand, however, necessitated exclusion of an ACH-EFT payment option from the Darwin Project. In addition to credit or debit card payment, customers may establish a Secretary of State prepaid account that can be used to pay for filing documents and other services.
- New Rule 103.1 allows the Secretary of State to approve communication of a secured transaction record by a method other than electronic filing in the case of hardship or other good cause.
- New Rule 103.2 excludes all federal liens from the electronic mandate because federal law controls the method of delivery.
- New Rule 104 (formerly 107) mandates electronic searching as the sole method of searching the secured transaction information management system. As with mandated electronic filing, the Secretary of State is mandating electronic searching to increase efficiency and reduce time delays. Customers indicated support for improving the speed and control of the current electronic search system. In addition, the Darwin system is automating certified search and copy requests. Currently, customers must submit paper search requests to obtain certified searches and copies. The Darwin system will allow customers to obtain certified copies of secured transaction records and certified search reports via the electronic searching application in real time.
- Amendments to Rule 105 (formerly Rule 108) address paper forms authorized by the Secretary of State in accordance with section 4-9-521, C.R.S. The Secretary of State is mandating electronic filing, but that mandate only applies to filings with the Secretary of State's Office. Other filing offices may accept electronic filings, paper filings, or both. Offices that accept paper documents must accept paper forms that are generated by the Secretary of State. The authorized paper forms are the UCC forms promulgated by the International Association of Commercial Administrators ("IACA") or a copy of an imaged document generated by the Secretary of State's electronic filing application. Amendments clarify that county clerk and recorder offices may use either the forms promulgated by IACA and substantial equivalents of those forms or a document generated by the Secretary of State's electronic filing application.
- Hardship provisions for filing and searching are provided for in new Rules 103.2 and 104.1.

³ The Grain Inspection, Packers, and Stockyard Administration (GIPSA) approved the amendments to the Colorado central filing system in July 2007 and published the approval in the Federal Register on August 8, 2007. See Amendment to Certification of Colorado's Central Filing System, 72 Fed. Reg. 44486 (Aug. 8, 2007)

Fees, payment, bulks images and data, and federal tax liens

- Amendments to Rules 107 and 112 (formerly Rules 111 and 116) clarified that the Secretary of State will adopt and publish fees.
- Amendments to Rule 108 (formerly Rule 112) removes expedited document processing service because mandatory electronic filing eliminates the need for expedite service.
- Amendments to Rules 109 and 110 (formerly Rules 113 and 114) adjust payment processing to support mandatory electronic filing and limit payment methods to credit cards, debit cards, and prepaid accounts.
- Amendments to Rule 111 (formerly Rule 115) clarify how images of secured transaction records and bulk records can be obtained. The current rule only addresses requests for UCC documents. The amended rule expands the requests for all secured transaction records.
- New Rule 113 states the Secretary of State will record, index, and maintain federal tax liens in the same manner as secured transaction documents.

Section 2. Acceptance and refusal of documents

- Amendments to Rules 202.1-202.3 clarify the Secretary of State's refusal to file a document because a document is not in a permitted format; an amendment does not identify a record-opening document; a continuation is not timely; or a document is not communicated by an authorized means.
- New Rule 202.4 establishes that the Secretary of State will refuse to accept indecipherable UCC documents. For example, a document is considered indecipherable if it contains a symbol or other non-standard character. An amendment that does not specify the type of amendment being submitted is also considered indecipherable. An indecipherable document is rejected because the document cannot be indexed.
- New Rule 202.5 indicates a filer will be prevented from submitting a document that the Secretary of State would refuse to file. Electronic filing allows the Secretary of State to ensure documents include all of the required filing information. If some required information is missing, the electronic filing application will alert the filer to the missing information and not allow the filer to submit the document without providing the required information.
- New Rule 203 provides grounds for refusing an EFS document.
- New Rule 204 provides grounds for refusing a Notice of Lien or Notice of Amendment in accordance with the Colorado Statutory Lien Registration Act⁴.
- New Rule 205 provides grounds for refusing a document submitted via the system-to-system transfer method (XML filing). This rule reiterates that the grounds for refusing a secured transaction record via the system-to-system transfer method are the same as those enumerated in amended and new Rules 202, 203, and 204.
- Amendments to Rules 206 and 207 (formerly Rules 205 and 206) adjust the document refusal procedure and filing acknowledgment process to accommodate mandatory electronic filing.

⁴ Article 9.7 of Title 4, C.R.S.

Section 3. Secured transaction information management system

- Amendments to Rules 300 and 301 reflect that the information management system includes information from Notices of Lien and Notices of Amendment filed under the Colorado Statutory Lien Registration Act.⁵
- Amendments to Rules 302 and 303 expand the maximum sizes of individual and organization names.
- Amendments to Rule 306 expand the types of record opening documents to include Notices of Lien and clarify the status of each type of party named in a secured transaction record.
- Rule 307, describing the affects of an amendment, is amended to include Notices of Amendment. Also, Rules 307.1.6 and 307.1.7 indicate an amendment that deletes a debtor or a secured party does not affect the status of the party in the information management system. The deleted party will remain on record until two years after the master record has lapsed.
- Rule 309 was amended to incorporate new definitions.
- Rules 310.1 and 310.2 were amended to incorporate new definitions
- New Rule 310.3 addresses the status of an EFS document after termination and after removing EFS master list notification. This rule implements amendments made by SB06-188 to the Central Filing of Effective Financing Statement Act.
- New Rule 310.4 addresses the status of a Notice of Lien after termination.
- The amendments to Rule 312 establish the removal of records two years after they have lapsed. Due to concerns about data quality, the Secretary of State has not removed lapsed records. With the Darwin project, the Secretary of State has addressed those data concerns and is now able to remove lapsed records.
- New Rule 313 indicates that the Darwin system supports characters from codes 32 through 126 of the American Standard Code for Information Interchange (ASCII 32-126 set). This character set is limited to the characters that appear on a standard QWERTY keyboard. An example of the full ASCII 32-126 character set is attached to this statement.
 - The Secretary of State uses the same ASCII 32-126 set in the business entity filing and searching system. Furthermore, the Darwin system cannot reproduce certain diacritics (or diacritical marks), such as accents, cedillas, tildes, and dots, when used in combination with letters of the alphabet, and are therefore not acceptable characters. By establishing the practice of not accepting secured transaction records that contain characters outside of the ASCII 32-126 set, the Secretary of State will eliminate data conversion issues and potential debtor identification issues that may arise when conducting searches of secured transaction records.
 - By excluding characters other than ASCII 32-126 set, the Secretary of State will discontinue the practice of replacing any diacritically marked character with the most recognizable character equivalent within the ASCII 32-126 set.
- Amendments to Rule 314 (formerly Rule 371) provide two methods for electronic filing: the electronic filing application on the Secretary of State's website and the system-to-system transfer method.

⁵ *Id.*

Section 4. Filing and data entry procedures

- The Secretary of State revised Rule 400 for clarity.
- Amendments to Rule 401 establish the Secretary of State's role as a ministerial filing office and indicate the Secretary of State only reviews a document to ensure required fields are completed and not for the validity of the information that a filer provides.
- Rule 402 describes how the system handles the lapse date of record-opening documents filed on February 29. Previous rules indicated the lapse date would be calculated as March 1 of the fifth year following the year of filing. However, the system calculated the lapse date as February 28 of the fifth year. In order to clarify how lapse dates are calculated and maintain consistency with existing records, the proposed rules indicate the lapse date will be calculated as February 28 of the fifth year following the year of filing.
- Rule 403 indicates filers are responsible for the accuracy and validity of the information they enter in the electronic filing application or submit via the system-to-system transfer method.
- Rule 405 (formerly Rule 406) indicates a debtor or a secured party can file a correction statement to provide notice of filer errors. In 2008, Colorado amended section 4-9-518, C.R.S., to allow a debtor or a secured party to file a correction statement. The amendment gave secured parties the flexibility to correct filing errors.
- Amendments to Rule 406 (formerly Rule 407) provide for the Secretary of State to index only names that appear in a designated name field.
- Amendments to Rule 407 (formerly Rule 410) describe the creation of a master record after filing a record opening document and how the Secretary of State will index each party named in the record opening document.
- Amendments to Rule 408 (formerly Rule 411) describe how the Secretary of State will index an amendment and how an amendment can affect the parties named in a record.
- Amendments to Rule 409 (formerly Rule 412) describe how the Secretary of State will index a UCC Correction Statement.
- New Rule 410 indicates amendments that would affect multiple records are not permitted. A separate amendment must be filed for each record that is to be amended.
- New Rule 411 describes the destruction of paper documents after the paper documents have been data entered and an electronic image has been created.
- New Rule 413 describes the retention of electronic data and images.
- New Rule 414 indicates the Secretary of State will adopt a policy and procedures for processing hardship requests. The Secretary of State will only process a hardship request after the filer obtains pre-approval from the Secretary of State and the filer tenders the applicable filing fee. The Secretary of State will develop policies and procedures for processing a hardship request and will make those policies and procedures available to the public upon request.
- New Rule 415 is the former Rule 417 about notices of bankruptcy. The Secretary of State takes no action upon receiving a notice of bankruptcy.

Section 5. Search requests and reports

- Revisions to Rule 501 clarify how search requests using the “Standard Search Logic” will be conducted.
- Amendments to Rule 502, concerning optional search request criteria, show the additional criteria that may be used when conducting a search and that the results of a non-standard search will not be certified.
- Revisions to Rule 503 clarify the Secretary of State’s Standard Search Logic.
 - In response to customer input, the Secretary of State updated the list of “ending noise words” to be more applicable to Colorado business organizations and the list of the ending noise words is available on the Secretary of State’s website.
- The amendment to Rule 503.1 indicates search results will be limited to 500 matching records. This limit is due to system limitations. Without the limit the search system would time out when more than 500 matching records are identified.
- Amendments to Rule 504 and New Rules 505 and 506 describe the search responses and certifications that will be available in the Darwin system.
- New Rule 507 addresses the processing of hardship search requests.

Section 6. Other notices of liens

- No substantive changes have been made to this section.

Former Section 7. Rule making procedure

- Section 7 is repealed because it is unnecessary to promulgate rules to clarify rulemaking procedures. The Secretary of State conducts all Department rulemaking in accordance with the State Administrative Procedure Act.⁶

New Section 7 (formerly Section 8. EFS filings)

- Revisions to Rule 701 (formerly Rule 801) remove the list of farm products applicable to the master list from the rules. The list is subject to change and inclusion may unnecessarily complicate future revisions. The revised rule states that the list is published in the Federal Register and is available on the Secretary of State’s website.
- New Rule 701.1 clarifies that all farm products listed on the farm product list are considered separate and distinct items. This rule is added to address some customer misunderstandings.
- Revisions to Rule 701.2 (formerly Rule 801.6) allow any person to suggest adding or removing products from the farm product list. Previously only master list registrants could suggest changes to the farm product list. The revised rule also clarifies that inclusion and removal is subject to U.S. Department of Agriculture approval, which is not stated in the current rule.
- Revisions to Rule 702 (formerly Rule 803) clarify how data is collected for the master list when filing Effective Financing Statements and EFS Amendments.
- New Rule 703 addresses how the master list is compiled and distributed. This new rule provides the specific timeline for the compilation and distribution of the master list and provides deadlines for the completion of these tasks.

⁶ Section 24-4-103(3)(a), C.R.S. (2011).

- Rule 703.3.2 indicates the Secretary of State will distribute the master list electronically by providing both Web-based searching application and by making the master list available for download. Master list searchers will also be able to download custom lists by searching the master list for a particular farm product and other criteria and downloading the search results. In addition to searching and downloading the master list, a master list registrant may request a paper version of the master list. A registrant requesting a paper version will be required to pay all applicable printing and mailing costs.
- New Rule 704 clarifies how the Secretary of State will process a master list registration. This new rule covers the master list registration in greater detail than the current rules. Registration is no longer required for a person to access the master list.
- New Rule 705 is the relocated former Rule 806 and describes the Secretary of State's authority to set fees for filing EFS records and the master list.

New Section 8. Lien Registration Act

- This section clarifies the Secretary of State's duties under the Colorado Statutory Lien Registration Act.
- Rule 801 clarifies that the Secretary of State will not add a lapse date indicator to the Darwin system unless a notice of amendment terminates a notice of lien. The Secretary of State will add a lapse date indicator to a terminated notice of lien because section 4-9.7-104(c), C.R.S., states that "a notice of lien shall remain effective...until a notice of amendment that terminates the notice of lien is filed in the office of the secretary of state." The lapse date of a notice of lien in the Darwin system will be the date that the notice of amendment that terminates the notice of lien is filed with the Secretary of State.

New Section 9. Redaction of Tax Identification Numbers

- This section clarifies the Secretary of State's duties to redact tax identification numbers under Part 3 of Article 21 of Title 24 of the Colorado Revised Statutes.
- New Rule 901 clarifies that the Secretary of State will use automated redaction software to identify and redact tax identification numbers. By using redaction software, the Secretary of State will protect individual privacy while maintaining low costs and timely processing.
- New Rule 901.1 allows the Secretary of State to review certain images of secured transaction records to verify the accuracy of automated redaction results.
- New Rule 902.2 provides that the Secretary of State will make images of secured transaction records available as soon as possible after a document is filed. The automated process will make records available after they are processed by the automated redaction software and, if applicable, after verification. In order to allow for the maximum flexibility in the event the automated process is mechanically or otherwise unavailable, the rule does not specify a specific time frame for making images available.
- New Rule 901.2.1 states that the Secretary of State will provide all filers using the electronic filing application with an unredacted acknowledgment copy of any filed secured transaction record. The Secretary of State, under section 4-9-523(a), C.R.S., must provide an acknowledgment copy of a filed record. Providing an acknowledgment copy is common practice.

Revisions to rules not specifically listed are entirely non-substantive. Some words and phrases are changed to simplify or clarify, but the meaning is not intended to be altered unless as described above. Headings are clarified and refined, and references and capitalization are made uniform.

II. Statutory Authority

The statutory authority is as follows:

1. Section 4-9-526, C.R.S., (2011), which requires the Secretary of State to “adopt and publish rules to implement [Article 9 of Title 4, C.R.S.]”.
2. Section 4-9.5-110(2), C.R.S., (2011), which authorizes the Secretary of State to adopt “rules and regulations as are necessary to carry out the provisions of [Article 9.5 of Title 4, C.R.S.]...”.
3. Section 4-9.7-109, C.R.S., (2011), which requires the Secretary of State to “adopt and publish any rules necessary to implement [Article 9.7 of Title 4, C.R.S.]”.
4. Section 24-21-111(1)(a), C.R.S., (2011), which authorizes the Secretary of State to “require any filing to be made by electronic means as determined by the secretary of state.”
5. Section 24-21-111(2), C.R.S., (2011), which authorizes the Secretary of State to “designate electronic access as the sole means of access to” documents stored by the Secretary of State or the Department of State.
6. Section 24-21-302(5), C.R.S., (2011), which authorizes the Secretary of State to adopt “any rules necessary to establish procedures for requesting the redaction of a tax identification number or the restoration of redacted information that is not the social security number or individual taxpayer identification number of an individual identified in such secured transaction record”.

Example of the ASCII 32-126 Character Set

Decimal Code	Character	Decimal Code	Character	Decimal Code	Character
32	SP	68	D	104	h
33	!	69	E	105	i
34	"	70	F	106	j
35	#	71	G	107	k
36	\$	72	H	108	l
37	%	73	I	109	m
38	&	74	J	110	n
39	'	75	K	111	o
40	(76	L	112	p
41)	77	M	113	q
42	*	78	N	114	r
43	+	79	O	115	s
44	,	80	P	116	t
45	-	81	Q	117	u
46	.	82	R	118	v
47	/	83	S	119	w
48	0	84	T	120	x
49	1	85	U	121	y
50	2	86	V	122	z
51	3	87	W	123	{
52	4	88	X	124	
53	5	89	Y	125	}
54	6	90	Z	126	~
55	7	91	[
56	8	92	\		
57	9	93]		
58	:	94	^		
59	;	95	_		
60	<	96	`		
61	=	97	a		
62	>	98	b		
63	?	99	c		
64	@	100	d		
65	A	101	e		
66	B	102	f		
67	C	103	g		

Colorado List of Ending Noise Words pursuant to UCC Filing-Office Rule 503.2

The following is the list of ending noise words that will be disregarded from the end of an organizational debtor's name when conducting a search using the Colorado Secretary of State's standard search logic.

The normalized term that will be used when searching is included in parenthesis.

- Association (ASSOCIATION)
- Assn (ASSN)
- Assoc (ASSOC)
- Co (CO)
- Company (COMPANY)
- Corporation (CORPORATION)
- Corp (CORP)
- General Partnership (GENERALPARTNERSHIP)
- GP (GP)
- Incorporated (INCORPORATED)
- Inc (INC)
- L3C (L3C)
- Limited (LIMITED)
- Limited Liability Co (LIMITEDLIABILITYCO)
- Limited Liability Company (LIMITEDLIABILITYCOMPANY)
- Limited Liability Limited Partnership (LIMITEDLIABILITYLIMITEDPARTNERSHIP)
- Limited Liability Partnership (LIMITEDLIABILITYPARTNERSHIP)
- Limited Partnership (LIMITEDPARTNERSHIP)
- Limited Partnership Association (LIMITEDPARTNERSHIPASSOCIATION)
- LLC (LLC)
- LLLC (LLLC)
- LLLP (LLLP)
- LLP (LLP)
- Low Profit Limited Liability Company (LOWPROFITLIMITEDLIABILITYCOMPANY)
- LP (LP)
- LPA (LPA)
- Ltd (LTD)
- Ltd Liability Co (LTDLIABILITYCO)
- Ltd Liability Company (LTDLIABILITYCOMPANY)
- PA (PA)
- PC (PC)
- PLLC (PLLC)
- PLLL (PLLL)
- PLLP (PLLP)
- PLP (PLP)
- PLPA (PLPA)
- Prof Assn (PROFASSN)
- Prof Corp (PROFCORP)
- Professional Association (PROFESSIONALASSOCIATION)
- Professional Company (PROFESSIONALCOMPANY)

- Professional Corporation (PROFESSIONALCORPORATION)
- Professional Limited Liability Co (PROFESSIONALLIMITEDLIABILITYCO)
- Professional Limited Liability Company (PROFESSIONALLIMITEDLIABILITYCOMPANY)
- Professional Limited Liability Limited Partnership (PROFESSIONALLIMITEDLIABILITYLIMITEDPARTNERSHIP)
- Professional Limited Liability Partnership (PROFESSIONALLIMITEDLIABILITYPARTNERSHIP)
- Professional Limited Partnership (PROFESSIONALLIMITEDPARTNERSHIP)
- Professional Limited Partnership Association (PROFESSIONALLIMITEDPARTNERSHIPASSOCIATION)
- Registered Limited Liability Limited Partnership (REGISTERDLIMITEDLIABILITYLIMITEDPARTNERSHIP)
- Registered Limited Liability Partnership (REGISTEREDLIMITEDLIABILITYPARTNERSHIP)
- RLLLP (RLLLP)
- RLLP (RLLP)
- Series Limited Liability Company (SERIESLIMITEDLIABILITYCOMPANY)
- Series LLC (SERIESLLC)
- Series Business Trust (SERIESBUSINESSTRUST)
- Series Investment Trust (SERIESINVESTMENTTRUST)
- Series Statutory Trust (SERIESSTATUTORYTRUST)