

GENERAL GOVERNMENT CABINET

Department of State

Office of Business Services

(Amendment)

30 KAR 5:060. Search requests, reports, and copies.

RELATES TO: KRS 355.9-519, 355.9-523, 355.9-525

STATUTORY AUTHORITY: KRS 355.9-526(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 355.9-526(1) requires the Secretary of State to promulgate administrative regulations implementing KRS Chapter 355.9. This administrative regulation establishes the procedures for public access to UCC records .

Section 1. The filing office shall maintain a searchable index of active records in the UCC information management system. Active records shall be retrievable by the name of the debtor or by the file number of the related initial financing statement.

Section 2.

(1) A request for certified search results shall be submitted on a completed UCC Information Request Form UCC-11 together with the fee in accordance with KRS 355.9-525(3). A search request shall be processed using the data and designated fields exactly as submitted, including the submission of no data in a given field.

(a) A search request submitted under this subsection may include the following:

1. A request for copies.

2. A request for all unlapsed records retrieved by the search, rather than only active records.

(b) A search request submitted under this subsection may specify a method of delivery for search results. This request shall be honored if the requested method is acceptable to the filing office, and provided by the requesting party together with all prepaid fees.

(2) A request for uncertified search results may be submitted online through the filing office website on the Web page designated by the filing office for that purpose.

(3) A request for search results by secured party name may be submitted on a Request for Secured Party Name Search Form.

Section 3.

(1) Search results shall be produced by the application of search logic to the name provided by the requesting party .

(2) The requirements established in this subsection shall describe the filing office's standard search logic and shall apply to all searches.

(a) There shall not be a limit to the number of matches that may be returned in response to the search criteria.

(b) A distinction shall not be made between upper and lower case letters.

(c) The character "&" (the ampersand) shall be deleted and replaced with the word "and" each place it appears in the name.

(d) Punctuation marks and accents shall be disregarded. For the purposes of this administrative regulation, punctuation and accents include all characters other than the numerals zero through nine (9) and the letters A through Z, in any case, of the English alphabet.

(e) The word "the" at the beginning of an organization debtor name shall be disregarded.

(f) All spaces shall be disregarded.

(g) For first personal name and additional names or initials of individual debtor names, initials shall be treated as the logical equivalent of all names that begin with those initials, and first personal name and no additional names or initials shall be equated with all additional names or initials. For example, a search request for "John A. Smith" shall cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first personal name, "Smith" as the surname, and with the initial "A" or any name beginning with "A" in the additional names or initials field. If the search request is for "John Smith" (first personal name and surnames with no designation in the additional names or initials field), the search shall retrieve all filings against individual debtors with "John" or the initial "J" as the first personal name, "Smith" as the surname, and with any name or initial or no name or initial in the additional names or initials field.

(h) If the name being searched is the surname of an individual debtor name without any first personal name or additional names or initials provided, the search shall retrieve from the UCC information management system all financing statements with individual debtor names that consist of only the surname.

(i) The following words, phrases, or abbreviations shall be disregarded from the end of an organization name to the beginning of that organization name until an unlisted word, phrase, or abbreviation appears :

1. "agency";
2. "association";
3. "assn";
4. "associates";
5. "assoc";
6. "assc";
7. "attorney at law";
8. "attorneys at law";
9. "bank";
10. "national bank";
11. "na";
12. "business trust";
13. "charter";
14. "chartered";
15. "company";
16. "co";
17. "cooperative";
18. "coop";
19. "corporation";
20. "corp";
21. "credit union";
22. "cu";
23. "federal credit union";
24. "fcu";
25. "federal savings bank";
26. "fsb";
27. "general partnership";
28. "gen part";
29. "gp";
30. "incorporated";
31. "inc";
32. "limited";
33. "ltd";

34. "ltee";
35. "limited liability company";
36. "lc";
37. "llc";
38. "limited liability limited partnership";
39. "lllp";
40. "limited liability partnership";
41. "llp";
42. "limited partnership";
43. "lp";
44. "medical doctors professional association";
45. "mdpa";
46. "medical doctors professional corporation";
47. "mdpc";
48. "national association";
49. "partners";
50. "partnership";
51. "professional association";
52. "prof assn";
53. "pa";
54. "professional service corporation";
55. "professional service corp";
56. "prof service corporation";
57. "prof service corp";
58. "professional corporation";
59. "prof corp";
60. "pc";
61. "professional limited liability company";
62. "pllc";
63. "public benefit corporation";
64. "public benefit corp";
65. "pbc";
66. "public benefit";
67. "real estate investment trust";
68. "registered limited liability partnership";
69. "rllp";
70. "savings association";
71. "sa";
72. "sole proprietorship";
73. "sp";
74. "spa";
75. "trust";
76. "trustee"; and
77. "as trustee".

(j) After using the requirements outlined in paragraphs (a) through (i) of this subsection to modify the name being searched, the search shall retrieve from the UCC information management system all unlapsed records, or, if requested by the searcher, all active records, that pertain to financing statements with debtor names that, after being modified as provided in this administrative regulation, exactly match the modified name being searched.

Section 4.

- (1) A response to a search request shall include the following:
 - (a) A list of all UCC records retrieved by the search;
 - (b) Identification of the filing office responsible for the search response;
 - (c) ; The date and time at, or prior to, which a UCC record was filed with the filing office in order for it to be reflected on the search;
 - (d) The name or names searched;; and
 - (e) Digital images of all UCC records retrieved by the search in .pdf or .tiff format.
Any images not available may be requested from the filing office.
- (2) .] In addition to the information provided under subsection (1) of this section, a response to a request for certified search results shall contain the following in a Standard Search Certificate and Report:
 - (a) A certificate number;
 - (b) The date on which the search was certified by the filing office; and
 - (c) The scope of the search, indicating whether the requesting party has requested active records or only unexpired records.
- (3) A response to a request for a secured party name search shall include only active records and shall not be certified.

Section 5. UCC records and data shall be provided to the public by the following methods:

- (1) Copies of individually identified documents shall be provided in digital .pdf format at no charge unless paper copies are specifically requested. Paper copies shall be assessed at the rate of \$0.50 cents per page. A request for paper copies shall include a mailing address where the requested copies shall be mailed. Copies may be certified for an additional fee of five (5) dollars.
- (2) Bulk data related to UCC filings may be obtained through subscription as directed by the website of the Office of the Secretary of State and shall be made available under the terms and conditions of the subscriber agreement.

MICHAEL G. ADAMS, Secretary of State

APPROVED BY AGENCY: October 21, 2021

FILED WITH LRC: October 29, 2021 at 1:32 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 25, 2022, at 9:00 a.m. EST, at Office of the Secretary of State. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) work days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until January 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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