

**GENERAL GOVERNMENT CABINET**  
**Department of State**  
**Office of Business Services**  
**(New Administrative Regulation)**

**30 KAR 5:011. Definitions for 30 KAR Chapter 5.**

RELATES TO: KRS Chapter 355.9

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 definitions for those administrative regulations.

Section 1. Definitions.

- (1) "Active Record" means a UCC record stored in the UCC information management system and indexed in, but not yet removed from, the searchable index.
- (2) "Address" means either:
  - (a) A street address, route number or post office box number plus the city, state and zip code; or
  - (b) An address that purports to be a mailing address outside of the United States of America.
- (3) "Amendment" means a UCC record that relates to an initial financing statement, including party or collateral changes, assignments, continuations, and terminations.
- (4) "Assignment" means an amendment that assigns all or part of a secured party's power to authorize an amendment to a financing statement.
- (5) "Delivery" means communication of a tangible UCC record.
- (6) "Filer" means a person who communicates a UCC record to the filing office for filing.
- (7) "Filing office" means the Office of the Kentucky Secretary of State.
- (8) "Filing office statement" means a statement entered into the filing office's information management system to correct an error made by the filing office.
- (9) "Information statement" means a UCC record that indicates a financing statement is inaccurate or wrongfully filed.
- (10) "Individual debtor name" means any name provided as a debtor name in a UCC record in a format that identifies the name as that of the debtor who is an individual, without regard to the nature or character of the name or to the nature or character of the actual debtor.
- (11) "Initial financing statement" means a UCC record that causes the filing office to establish the initial record of filing of a financing statement.
- (12) "Remitter" means a person who delivers a tangible UCC record to the filing office for filing and awaits an immediate determination as to whether the UCC record will be accepted or rejected.
- (13) "Searchable index" means the retrievable list of individual debtor names and organization debtor names together with associated file numbers the filing office maintains in the UCC information management system as active records.
- (14) "Secured party of record" means a secured party as defined in KRS 355.9-102(1)(bu) who meets the additional requirements established in KRS 355.9-511.
- (15) "Tangible UCC record" means a UCC record that has been printed on paper.
- (16) "Time of filing" means the time of day on the date a UCC record is deemed filed under this regulation.
- (17) "UCC" means the Uniform Commercial Code as adopted in the Commonwealth of Kentucky.

(18) "UCC information management system" means the computer system used by the filing office to store, index, and retrieve information relating to financing statements as required by 30 KAR 5:041.

(19) "UCC record" means an initial financing statement, an affidavit of wrongfully filed record, an amendment, a filing office statement, or an information statement and includes a record thereof maintained by the filing office. The term shall not be deemed to refer exclusively to paper or paper-based writings.

(20) "Unlapsed record" means a UCC record that has been stored and indexed in the UCC information management system and that has not yet lapsed under KRS 355.9-515 with regard to all secured parties of record.

*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.

**CONTACT PERSON:** Michael R. Wilson, Director, Office of Business, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, phone (502) 782-7422, fax (502) 564-5687, email michael.wilson@ky.gov.