

GENERAL GOVERNMENT CABINET

Department of State

Office of Business Services

(Amended at ARRS Committee)

30 KAR 5:021. Filing methods and forms.

RELATES TO: KRS 355.9, 355.9-516, 355.9-521, 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 general provisions for 30 KAR Chapter 5 governing delivery, approved forms, payments and public services.

Section 1. UCC records may be communicated to the filing office as follows:

- (1) Direct data entry using the online filing system of the filing office. The time of filing for a UCC record communicated by this method shall be when the entry of all required elements of the UCC record in the proper format is accepted by the online filing system.
- (2) Email to the email address designated by the filing office website. The time of filing for a UCC record communicated by this method shall be when the email communicating the UCC record is first received by the filing office.
- (3) Personal delivery by remitter at the physical address of the filing office. The time of filing for a UCC record delivered by this method shall be when a UCC record is accepted for filing by the filing office.
- (4) Delivery of a UCC record other than by remitter at the filing office physical address. The time of filing for a UCC record delivered by this method shall be 4:30 p.m. on the date the record was delivered to the filing office.

Section 2.

- (1) Information submitted to the filing office shall be provided using only characters that appear on the American standard keyboard. A financing statement or amendment form shall designate separate fields for:
 - (a) Organization names; and
 - (b) Individual names. Individual name fields shall include surname, first personal name, additional names, initials, and suffixes for individual names.
- (2)
 - (a) The appropriate box on a financing statement shall be marked to indicate when:
 1. An initial financing statement is being filed in connection with a manufactured home;
 2. An initial financing statement is being filed in connection with a public finance transaction; or
 3. An initial financing statement is being filed against a debtor that is a transmitting utility.
 - (b) If the requirements of this subsection are not met, the filing shall not affect the filing office's determination of the lapse date under 30 KAR 5:041, Section 7.

Section 3. Paper-based forms identified in Section 6 of this administrative regulation, or any form that is substantially the same, shall be utilized for the purpose for which the form is designated.

Section 4. Filing fees may be paid by the following methods:

- (1) Debit and credit cards issued by approved issuers;

- (2) Electronic checks processed under National Automated Clearing House Association ("NACHA") rules and arrangements;
- (3) Prepaid account upon the submission and approval of an Application for Prepaid Account and payment of an amount not less than \$250;
- (4) Personal checks, cashier's checks, certified checks, and money orders made payable to the Kentucky State Treasurer;
- (5) Cash; and
- (6) Interaccount from Kentucky state agencies.

Section 5.

- (1) The filing fee for a UCC record shall be determined by KRS 355.9-525.
- (2) The filing office shall refund the amount of an overpayment.

Section 6. Incorporation by Reference.

- (1) The following material is incorporated by reference:

- (a) "Application for Prepaid Account" (10/5/11);
- (b) "UCC Financing Statement (Form UCC1), International Association of Commercial Administrators (IACA)" (Rev. 4/20/11);
- (c) "UCC Financing Statement Addendum (Form UCC1Ad), International Association of Commercial Administrators (IACA)" (Rev. 4/20/11);
- (d) "UCC Financing Statement Additional Party (Form UCC1AP), International Association of Commercial Administrators (IACA)" (Rev. 8/22/11);
- (e) "UCC Financing Statement Amendment (Form UCC3), International Association of Commercial Administrators (IACA)" (Rev. 4/20/11);
- (f) "UCC Financing Statement Amendment Addendum (Form UCC3Ad), International Association of Commercial Administrators (IACA)" (Rev. 4/20/11);
- (g) "UCC Financing Statement Amendment Additional Party (Form UCC3AP), International Association of Commercial Administrators (IACA)" (Rev. 8/22/11);
- (h) "Information Statement (Form UCC5), International Association of Commercial Administrators (IACA)" (Rev. 7/19/12);
- (i) "Information Request (Form UCC11)" (Rev. 7/19/12);
- (j) "Affidavit of Wrongfully Filed Record" (9/16/21); and
- (k) "Request for Secured Party Name Search Form" (6/21).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Secretary of State, Office of Business Services, Records Section, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the Secretary of State's Web site at <https://www.sos.ky.gov/bus/UCC/Pages/UCC-Forms.aspx>.

(48 Ky.R. 1965, 2376; eff. 5-31-2022.)

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