

355.9-516 What constitutes filing -- Effectiveness of filing.

- (1) Except as otherwise provided in subsection (2) of this section, communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.
- (2) Filing does not occur with respect to a record that a filing office refuses to accept because:
 - (a) The record is not communicated by a method or medium of communication authorized by the filing office;
 - (b) An amount equal to or greater than the applicable filing fee is not tendered;
 - (c) The filing office is unable to index the record because:
 1. In the case of an initial financing statement, the record does not provide a name for the debtor;
 2. In the case of an amendment or information statement, the record:
 - a. Does not identify the initial financing statement as required by KRS 355.9-512 or 355.9-518, as applicable; or
 - b. Identifies an initial financing statement whose effectiveness has lapsed under KRS 355.9-515;
 3. In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's surname; or
 4. In the case of a record filed in the filing office described in KRS 355.9-501(1)(a), the record does not provide a sufficient description of the real property to which it relates;
 - (d) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;
 - (e) In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:
 1. Provide a mailing address for the debtor; or
 2. Indicate whether the debtor is an individual or an organization;
 - (f) In the case of an assignment reflected in an initial financing statement under KRS 355.9-514(1) or an amendment filed under KRS 355.9-514(2), the record does not provide a name and mailing address for the assignee; or
 - (g) In the case of a continuation statement, the record is not filed within the six (6) month period prescribed by KRS 355.9-515(4).
- (3) For purposes of subsection (2) of this section:
 - (a) A record does not provide information if the filing office is unable to read or decipher the information; and

- (b) A record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by KRS 355.9-512, 355.9-514, or 355.9-518, is an initial financing statement.
- (4) A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection (2) of this section, is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

Effective: July 1, 2013

History: Amended 2012 Ky. Acts ch. 132, sec. 84, effective July 1, 2013. -- Created 2000 Ky. Acts ch. 408, sec. 107, effective July 1, 2001.

Legislative Research Commission Note (3/14/2013). 2013 Ky. Acts ch. 10, secs. 2 and 3 provide that the statutes in Article 9 of the Uniform Commercial Code that were amended or created in 2012 Ky. Acts ch. 132, secs. 60 to 99, are effective July 1, 2013. This statute was one of those sections. Since only the effective date of a prior Act was altered, and not the text of the affected statutes, reference to 2013 Ky. Acts ch. 10 does not appear in the history for this statute.

Legislative Research Commission Note (7/12/2012). In 2010, the National Conference of Commissioners on Uniform State Laws and the American Law Institute proposed a Uniform Act for adoption by the states that contained revisions to Article 9 of the Uniform Commercial Code. The effective date for all proposed Article 9 revisions was to be July 1, 2013. Those revisions were enacted in 2012 Ky. Acts Chapter 132, Sections 60 to 99. Sections 60 to 90 contained the substantive Article 9 revisions, and Sections 91 to 99 contained the transitional Article 9 revisions created to handle secured transactions made prior to July 1, 2013. Section 91 of that Act (codified as KRS 355.9-801) and Section 102 of that Act (a noncodified effective date provision) both stated, "Sections 91 to 99 of this Act take effect July 1, 2013." The normal effective date for legislation enacted at the 2012 Regular Session of the General Assembly is July 12, 2012. In Opinion of the Attorney General 12-010, issued July 3, 2012, Section 91 (codified as KRS 355.9-801) was determined to have contained a manifest clerical error, and should have instead read, "Sections 60 to 90 of this Act take effect July 1, 2013," thereby making the substantive Article 9 revisions effective on the same date as the transitional Article 9 provisions in conformity with the 2010 Uniform Act proposal and 2012 Ky. Acts Chapter 132, Section 102. This statute was one of the substantive provisions of Article 9 contained in 2012 Ky. Acts Chapter 132, Sections 60 to 90.