

30 KAR 5:010. 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 30 KAR Chapter 5.

Section 1. Definitions.

(1) "Active Record" means a UCC record that has been stored in the UCC information management system and indexed in, but not yet removed from, the searchable indexes.

(2) "Address" means either:

(a) A street address, route number, or PO Box number plus the city, state, and zip code; or

(b) An address that purports to be a mailing address outside the United States of America.

(3) "Amendment statement" means a UCC record that amends the information contained in a financing statement and includes an assignment, continuation, or termination.

(4) "Assignment statement" means an amendment that assigns all or part of a secured party's power to authorize an amendment to a financing statement.

(5) "Filing office" or "filing officer" is defined by KRS 355.9-102(1)(ak).

(6) "Filing officer statement" means a statement entered into the filing office's information system to correct an error made by the filing office.

(7) "Information statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

(8) "Initial financing statement" means a UCC record that causes the filing office to establish the initial record of filing of a financing statement.

(9) "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing, except for a person responsible merely for the delivery of the record to the filing office, including the postal service or a courier service process.

(10) "Searchable indexes" means the searchable index of individual debtor names and the searchable index of organization debtor names maintained in the UCC information management system.

(11) "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.

(12) "UCC" means the Uniform Commercial Code as adopted in this state.

(13) "UCC information management system" means the database system used by the filing office to store, index, and retrieve information relating to financing statements as required by 30 KAR 5:040.

(14) "UCC record" means:

(a) An initial financing statement, an amendment, an assignment, a continuation statement, a termination statement, a filing officer statement, or an information statement; and

(b) A record of these statements to paper or paper-based writings.

(15) "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 respect to all secured parties of record.

(28 Ky.R. 995; Am. 1344; eff. 12-19-2001; 40 Ky.R. 342; 775; eff. 11-1-2013.)