

IDAPA 34 – SECRETARY OF STATE

Election Division

34.05.06 – Rules Governing Lien Filings Under the UCC

Who does this rule apply to?

Any creditor (secured party) who files a financing statement (lien) with the Idaho Secretary of State, any debtor to whom some form of credit or service was extended that created a lien filed with the Secretary of State, or any third party not mentioned above who is searching for or verifying the absence of a lien filed with the Secretary of State in the name of a debtor.

What is the purpose of this rule?

Establishes the parameters and processes for filing, acceptance, storing, and searching of financing statements (liens) for secured party transactions under the Uniform Commercial Code, often referred to as UCCs or simply Liens.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

State Government and State Affairs -

Secretary of State:

- [Section 67-903\(9\), Idaho Code](#) – Duties of Secretary of State

Commercial Transactions -

Secured Transactions - Filing:

[Section 28-9-526, Idaho Code](#) – Filing Office Duties

Who do I contact for more information on this rule?

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34.05.06 – RULES GOVERNING LIEN FILINGS UNDER THE UCC

000. LEGAL AUTHORITY AND REFERENCES.

In accordance with Sections 67-903(9) (1977) and 28-9-526 (2001), Idaho Code, the Secretary of State has authority to promulgate administrative rules in order to execute the duties of the Office; this authority includes rules to implement Revised Article 9 of the Uniform Commercial Code, House Bill 205 (2001). (3-25-22)

001. SCOPE.

These rules govern the filing, acceptance, indexing and searching of financing statements in the Secretary of State's Office under Article 9 of the Uniform Commercial Code. (3-25-22)

002. -- 100. (RESERVED)

SUBCHAPTER 1 – GENERAL PROVISIONS

101. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following definitions apply: (3-25-22)

01. Amendment. A UCC document that purports to amend the information contained in a financing statement. Amendments include assignments, continuations and terminations. (3-25-22)

02. Assignment. An amendment that purports to reflect an assignment of all or a part of a secured party's power to authorize an amendment to a financing statement. (3-25-22)

03. Continuation. An amendment that purports to continue the effectiveness of a financing statement. (3-25-22)

04. Correction Statement. A UCC document that purports to indicate that a financing statement is inaccurate or wrongfully filed. (3-25-22)

05. File Number. The unique identifying information assigned to an initial financing statement by the filing officer for the purpose of identifying the financing statement and UCC documents relating to the financing statement in the filing officer's information management system. For a financing statement with an initial financing statement filed on or prior to June 30, 2001, the file number includes the seven-digit (7) number assigned to the financing statement by the filing officer. For a financing statement with an initial financing statement filed on or after July 1, 2001, the file number includes three (3) segments; the year of filing expressed as a four-digit (4) number, followed by a unique seven-digit (7) number assigned to the financing statement by the filing office and ending with a one-digit (1) verification number assigned by the filing office but algorithmically derived from the numbers in the first two (2) segments. The filing number bears no relation to the time of filing and is not an indicator of priority. (3-25-22)

06. Filing Office and Filing Officer. The Idaho Secretary of State's Office. (3-25-22)

07. Financing Statement. An initial financing statement and all UCC documents that relate to the initial financing statement. (3-25-22)

08. Individual. A human being, or a decedent in the case of a debtor that is such decedent's estate. (3-25-22)

09. Initial Financing Statement. A UCC document containing the information required to be in an initial financing statement pursuant to Section 2 of these rules which, when filed, causes the filing office to establish the initial record of the existence of a financing statement in the filing office's UCC information management system. (3-25-22)

10. Organization. A legal person who is not an individual under Subsection 101.08. (3-25-22)

11. Remitter. A person who tenders a UCC document to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the document for filing. "Remitter" does not include a person responsible merely for the delivery of the document to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process. (3-25-22)

12. Secured Party of Record. With respect to a financing statement, a secured party or representative

of a secured party named on the initial financing statement or, if an assignee is designated on the initial financing statement, instead shall mean the secured party or representative named as such assignee, and shall mean each other secured party or secured party representative named as an additional or substitute secured party on any amendment. Revised Article 9 provides that a person remains a secured party of record until the authorized filing of an amendment indicating that the person is no longer a secured party or secured party representative. However, as the filing officer cannot determine if such an amendment is in fact authorized, a secured party of record on a financing statement is not deleted from the filing officer's information management system until the financing statement lapses. (3-25-22)

13. Termination. An amendment intended to indicate that the related financing statement has ceased to be effective with respect to the secured party authorizing the termination. (3-25-22)

14. UCC. The Uniform Commercial Code as enacted in this state, Section 28-11-101, et seq., Idaho Code. (3-25-22)

15. UCC Document. An initial financing statement, a correction statement or any amendment, including an assignment, a continuation, or a termination. The word "document" in the term "UCC document" shall not be deemed to refer exclusively to paper or paper-based writings. In due time, UCC documents may be expressed or transmitted electronically or through media other than such writings. (Note: this definition is used for the purpose of these rules only. The use of the term "UCC document" in these rules has no relation to the definition of the term "document" in Section 28-9-102(a)(30), Idaho Code.) (3-25-22)

102. (RESERVED)

103. PLACE OF FILING.

The Secretary of State's Office is the filing office for filing UCC documents relating to all types of collateral except for timber to be cut, as-extracted collateral (Section 28-9-102(a)(6), Idaho Code) and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures. (3-25-22)

104. FILING OFFICE IDENTIFICATION.

In addition to the promulgation of these rules, the filing office will disseminate information of its location, mailing address, telephone and facsimile numbers, and its internet and other electronic "addresses" through usual and customary means. (3-25-22)

105. OFFICE HOURS.

Although the filing office maintains regular office hours, it receives transmissions by facsimile twenty-four (24) hours per day, three hundred sixty-five (365) days per year, except for scheduled maintenance and unscheduled interruptions of service. Electronic filings may be available in the near future, and will be possible twenty-four (24) hours per day, three hundred sixty-five (365) days per year, except for scheduled maintenance and unscheduled interruptions of service. (3-25-22)

106. UCC DOCUMENT DELIVERY.

UCC documents may be tendered for filing at the filing office as follows: (3-25-22)

01. Personal Delivery, at the Filing Office's Street Address. The file time for a UCC document delivered by this method is when delivery of the UCC document is accepted by the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected). (3-25-22)

02. Courier Delivery, at the Filing Office's Street Address. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business. (3-25-22)

03. Postal Service Delivery to the Filing Office's Mailing Address. The file time for a UCC document delivered by this method is the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered

after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business. (3-25-22)

04. Online Delivery Through the Filing Office's Website. The file time for a UCC document delivered by this method is, when the document is submitted to the filing office (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). (3-25-22)

107. SEARCH REQUEST DELIVERY.

UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office. Requirements concerning search requests are set forth in Section 501. UCC search requests upon a debtor named on an initial financing statement may be made by an appropriate indication on the face of the initial financing statement form if the form is entitled to be filed with the standard form fee and the relevant search fee is also tendered with the initial financing statement (3-25-22)

108. ACCEPTABLE FORMS.

The forms set forth in Section 28-9-521, Idaho Code, shall be accepted by the filing office. Forms approved by the International Association of Corporation Administrators on or prior to July 1, 2001, and forms approved by the filing office shall be accepted. (3-25-22)

109. -- 110. (RESERVED)

111. FILING FEES.

Section 28-9-525, Idaho Code. (3-25-22)

01. Filing Fee. The fee for filing and indexing a UCC document of one (1) or two (2) pages communicated on paper or in a paper-based format is six dollars \$(6). If there are additional pages, the fee is twelve dollars (\$12). When available, the fee for filing and indexing a UCC document communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be three dollars (\$3). (3-25-22)

02. UCC Search Fee. The fee for a UCC online search is three dollars (\$3). Certified searches may be performed using form UCC4 with fees as per IDAPA rule 34.05.03. (3-25-22)

03. Correct Filing Fee is Required for Processing. Incorrect calculated payments will be returned. (3-25-22)

112. (RESERVED)

113. METHODS OF PAYMENT.

Filing fees and fees for public records services may be paid by the following methods: (3-25-22)

01. Cash. Payment in cash shall be accepted if paid in person at the filing office. (3-25-22)

02. Checks. Personal checks, business checks, bank-certified checks or cashiers checks and money orders shall be accepted for payment if they are drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office. (3-25-22)

03. Credit Card. Payment with a credit card shall be accepted if paid in person at the filing office or making a payment online. (3-25-22)

114. PUBLIC RECORDS SERVICES.

Public records services are provided on a non-discriminatory basis to any member of the public on the terms described in these rules. The following methods are available for obtaining copies of UCC documents and copies of data from the UCC information management system. (3-25-22)

01. Individually Identified Documents. Copies of individually identified UCC documents are available either from a computer terminal in the reception area in the filing office or through any medium otherwise

accepted by the filing office. There is a charge of twenty-five cents (\$.25) per page for printed information, but only if four (4) or more pages are printed. (3-25-22)

02. Bulk Copies of Documents. Bulk copies of UCC documents are available by subscription. (3-25-22)

03. Data from the Information Management System. A list of available data elements from the UCC information management system, and the file layout of the data elements, are available from the filing officer upon request. Data from the information management system is available as follows: (3-25-22)

a. Full Extract. A bulk data extract of information from the UCC information management system is available on a bi-weekly basis. (3-25-22)

b. Format. Extracts from the UCC information management system are available in plain text format. (3-25-22)

04. Direct On-Line Services. On-line services providing UCC information are available from the UCC information management data request systems. (3-25-22)

115. FEES FOR PUBLIC RECORDS SERVICES. Fees for public records services are established as follows: (3-25-22)

01. Charge for Paper Copies. The charge for paper copies of individual documents is one dollar (\$1) per page. (3-25-22)

02. Data From the Information Management System. The charge for a full extract is one hundred twenty-five dollars (\$125) per bi-weekly download. (3-25-22)

116. NEW PRACTICES AND TECHNOLOGIES. The filing officer may adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 filing data by means of electronic, voice, optical and/or other technologies, and, without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper-based system, a non-paper-based Article 9 filing system utilizing any of such technologies. In developing and utilizing technologies and practices, the filing officer shall, to the greatest extent feasible, take into account compatibility and consistency with technologies, practices, policies and regulations adopted in connection with Article 9 filing systems in other states. (3-25-22)

117. -- 199. (RESERVED)

SUBCHAPTER 2 – ACCEPTANCE AND REFUSAL OF DOCUMENTS

200. ROLE OF FILING OFFICER.

01. Duties and Responsibilities. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. (3-25-22)

02. What the Filing Officer Does Not Do. In accepting for filing or refusing to file a UCC document pursuant to these rules, the filing officer does not: (3-25-22)

a. Determine the legal sufficiency or insufficiency of a document. (3-25-22)

b. Determine that a security interest in collateral exists or does not exist. (3-25-22)

c. Determine that information in the document is correct or incorrect, in whole or in part. (3-25-22)

d. Create a presumption that information in the document is correct or incorrect, in whole or in part. (3-25-22)

201. DUTY TO FILE.

Provided that there is no ground to refuse acceptance of the document under Section 202, a UCC document is filed upon its receipt by the filing officer with the filing fee and the filing officer shall promptly assign a file number to the UCC document and index it in the information management system. (3-25-22)

202. GROUNDS FOR REFUSAL OF UCC DOCUMENT.

The following grounds are the sole grounds for the filing officer's refusal to accept a UCC document for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper: it requires, when appropriate, a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases. (3-25-22)

01. Debtor Name and Address. An initial financing statement or an amendment that purports to add a debtor shall be refused if the document fails to include a legible debtor name and address for a debtor, in the case of an initial financing statement, or for the debtor purporting to be added in the case of such an amendment. If the document contains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the debtor name(s) that was (were) indexed, and a statement that debtors with illegible or missing names or addresses were not indexed. (3-25-22)

02. Additional Debtor Identification. An initial financing statement or an amendment adding one or more debtors shall be refused if the document fails to identify whether each named debtor (or each added debtor in the case of such an amendment) is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization, the document does not include in legible form the organization's type, state of organization and organization number (or a statement that it does not have an organization number). UCC documents, including the UCC1 and UCC3, should not contain Social Security Account Numbers or other Taxpayer identification numbers although there are spaces for this information on the approved UCC1 and UCC3 form. If these numbers are entered on the forms, the filing officer shall cause them not to be readable on the scanned image retained by the filing office. (3-25-22)

03. Secured Party Name and Address. An initial financing statement, an amendment purporting to add a secured party of record, or an assignment, shall be refused if the document fails to include a legible secured party (or assignee in the case of an assignment) name and address. If the document contains more than one secured party (or assignee) name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the secured party (or assignee) names that were indexed, and a statement that secured parties with illegible or missing names or addresses were not indexed. (3-25-22)

04. Lack of Identification of Initial Financing Statement. A UCC document other than an initial financing statement shall be refused if the document does not provide a file number of a financing statement which exists in the UCC information management system and which has not lapsed. (3-25-22)

05. Other Required Information. A UCC document that does not identify itself as an initial financing statement or as another type of UCC document shall be refused. (3-25-22)

06. Timeliness of Continuation. A continuation shall be refused if it is not received during the six (6) month period concluding on the day upon which the related financing statement would lapse. (3-25-22)

a. First Day Permitted. The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, six (6) months preceding the month in which the financing statement would lapse. If there is no such corresponding date during the sixth month preceding the month in which the financing statement would lapse, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse, although filing by certain means may not be possible on such date if the filing office is not open on such date. (3-25-22)

b. Last Day Permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses. (3-25-22)

07. Fee. A document shall be refused if the document is accompanied by less than the full filing fee tendered by a method described in Section 113. (3-25-22)

08. Means of Communication. UCC documents communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC documents shall be refused. (3-25-22)

203. (RESERVED)

204. TIME LIMIT.

The filing officer shall determine whether criteria exist to refuse acceptance of a UCC document for filing not later than the second business day after the date the document would have been filed had it been accepted for filing and shall index a UCC document not so refused within the same time period. (3-25-22)

205. PROCEDURE UPON REFUSAL.

If the filing officer finds any basis under Section 202 to refuse acceptance of a UCC document, the filing officer shall return the document, if written, to the remitter and refund the filing fee. The filing office shall send a notice that contains the date and time the document would have been filed had it been accepted for filing (unless such date and time are stamped on the document), and a brief description of the reason(s) for refusal to accept the document under Section 202. The notice shall be sent to a secured party or the remitter as provided in Subsection 401.02.b. no later than the second business day after of the determination to refuse acceptance of the document. A refund may be delivered with the notice or under separate cover. (3-25-22)

206. ACKNOWLEDGMENT.

At the request of a filer or remitter, the filing officer shall communicate to the filer or remitter the information in the filed document, the file number and the date and time of filing. (3-25-22)

207. OTHER NOTICES.

Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not have the resources to do so. **THE RESPONSIBILITY FOR THE LEGAL EFFECTIVENESS OF FILING RESTS WITH FILERS AND REMITTERS AND THE FILING OFFICE BEARS NO RESPONSIBILITY FOR SUCH EFFECTIVENESS.** (3-25-22)

208. REFUSAL ERRORS.

If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC document that was refused for filing should not have been, the filing officer will file the UCC document as provided in these rules with a filing date and time assigned when such filing occurs. The filing officer will also file a filing officer statement that states the effective date and time of filing which shall be the date and time the UCC document was originally tendered for filing. The lapse date shall be calculated based upon the date the UCC document was originally tendered. (3-25-22)

209. -- 299. (RESERVED)

SUBCHAPTER 3 – UCC INFORMATION MANAGEMENT SYSTEM

300. POLICY STATEMENT.

The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements which have not been lapsed for more than one (1) year. (3-25-22)

301. PRIMARY DATA ELEMENTS.

The primary data elements used in the UCC information management system are the following: (3-25-22)

01. Identification Numbers. (3-25-22)

a. Each initial financing statement is identified by its file number as described in Subsection 101.05. Identification in the form of the file number of the initial financing statement is stamped on written UCC documents or is otherwise permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement. (3-25-22)

b. A UCC document other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement. (3-25-22)

02. Type of Document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter. (3-25-22)

03. Filing Date and Filing Time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date or the effective filing date as provided in Section 208 of these rules. (3-25-22)

04. Identification of Parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one (1) or more data entry or transmittal techniques. (3-25-22)

05. Status of Financing Statement. In the information management system, each financing statement has a status of active or inactive. (3-25-22)

06. Lapse Indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in Section 404. (3-25-22)

302. NAMES OF DEBTORS WHO ARE INDIVIDUALS.

The definition of "individual" is found in Subsection 101.08. This rule applies to the name on a UCC document of a debtor or a secured party who is an individual. (3-25-22)

01. Individual Name Fields. The names of individuals are stored in the same files as the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals, and an indicator is marked with "I" to distinguish the name as that of an individual. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations. (3-25-22)

02. Titles and Prefixes Before Names. Titles and prefixes, such as "Doctor," "Reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, as provided in Section 407, when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears. (3-25-22)

03. Titles and Suffixes After Names. Titles or indications of status such as "M.D." and "esquire" shall not be entered in the UCC information management system. Suffixes, such as "Sr.," "Jr.," "I," "II," and "III," and "Est" (estate) are entered in a field designated for name suffixes. (3-25-22)

04. Truncation -- Individual Names. Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The length of data entry name fields are as follows. (3-25-22)

a. First name: Fifty (50) characters. (3-25-22)

b. Middle name: Fifty (50) characters. (3-25-22)

c. Last name: Two hundred fifty-five (255) characters. (3-25-22)

d. Suffix: Ten (10) characters. (3-25-22)

05. No Assumed Business Names. An assumed business name, whether or not on file under Chapter 5, Title 53, Idaho Code, is not the legal name of the individual using the assumed business name. (3-25-22)

303. NAMES OF DEBTORS THAT ARE ORGANIZATIONS.

This rule applies to the names of organizations which are debtors or secured parties on a UCC document. (3-25-22)

01. Single Field. The names of organizations are stored in the same files as the names of individuals. The name of an organization is stored in the last-name field only, and an indicator is marked with "O" to distinguish the name as that of an organization. The filing officer assumes no responsibility for the accurate designation of an organizational name but will accurately enter the data in accordance with the filer's designations. (3-25-22)

02. Truncation-Organization Names. The organization name field in the UCC database is fixed in length. The maximum length is two hundred fifty-five (255) characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. (3-25-22)

03. No Assumed Business Names. An assumed business name, whether or not on file under Chapter 5, Title 53, Idaho Code, is not the legal name of the organization using the assumed business name. (3-25-22)

304. ESTATES.

Although they are not human beings, estates are treated as if the decedent were the debtor under Section 302. "Est" should be entered in the suffix field. (3-25-22)

305. TRUSTS.

If the trust is named in its organic document(s), its full legal name, as set forth in such document(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC document that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under Sections 407 and 408. (3-25-22)

306. INITIAL FINANCING STATEMENT.

Upon the filing of an initial financing statement the status of the parties and the status of the financing statement shall be as follows: (3-25-22)

01. Status of Secured Party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC document names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record. (3-25-22)

02. Status of Debtor. The status of a debtor named on the document shall be active and shall continue as active until one (1) year after the financing statement lapses. (3-25-22)

03. Status of Financing Statement. The status of the financing statement shall be active. A lapse date shall be calculated, five (5) years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty (30) years from the file date; or, if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one (1) year after it lapses, or if it is indicated to be filed against a transmitting utility, until one (1) year after it is terminated with respect to all secured parties of record. (3-25-22)

307. AMENDMENT.

Upon the filing of an amendment the status of the parties and the status of the financing statement shall be as follows:
(3-25-22)

01. Status of Secured Party and Debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:
(3-25-22)

a. Collateral Amendment or Address Change. An amendment that amends only the collateral description or one (1) or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).
(3-25-22)

b. Debtor Name Change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC documents that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC documents. Such a statement of amendment affects only the rights of its authorizing secured party(ies).
(3-25-22)

c. Secured Party Name Change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.
(3-25-22)

d. Addition of a Debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment.
(3-25-22)

e. Addition of a Secured Party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.
(3-25-22)

f. Deletion of a Debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.
(3-25-22)

g. Deletion of a Secured Party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.
(3-25-22)

02. Status of Financing Statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.
(3-25-22)

308. ASSIGNMENT OF POWERS OF SECURED PARTY OF RECORD.

01. Status of the Parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.
(3-25-22)

02. Status of Financing Statement. An assignment shall have no effect upon the status of the financing statement.
(3-25-22)

309. CONTINUATION.

01. Continuation of Lapse Date. Upon the timely filing of one (1) or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five (5) years. (3-25-22)

02. Status of Parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement. (3-25-22)

03. Status of Financing Statement. Upon the filing of a continuation statement, the status of the financing statement remains active. (3-25-22)

310. TERMINATION.

01. Status of Parties. The filing of a termination shall have no effect upon the status of any party to the financing statement. (3-25-22)

02. Status of Financing Statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one (1) year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one (1) year after it is terminated with respect to all secured parties of record. (3-25-22)

311. CORRECTION STATEMENT.

01. Status of Parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement. (3-25-22)

02. Status of Financing Statement. A correction statement shall have no effect upon the status of the financing statement. (3-25-22)

312. PROCEDURE UPON LAPSE.

If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system. (3-25-22)

313. -- 399. (RESERVED)

SUBCHAPTER 4 – FILING AND DATA ENTRY PROCEDURES

400. POLICY STATEMENT.

This section contains rules describing the filing procedures of the filing officer upon and after receipt of a UCC document. It is the policy of the filing officer to file promptly a document that conforms to these rules. Except as provided in these rules, data is transferred from a UCC document to the information management system exactly as the data is set forth in the document. Personnel who create reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind. (3-25-22)

401. DOCUMENT INDEXING AND OTHER PROCEDURES BEFORE ARCHIVING.

01. Cash Management. Transactions necessary to payment of the filing fee are performed. (3-25-22)

02. Document Review. The filing office determines whether a ground exists to refuse the document under Section 202. (3-25-22)

a. File Stamp. If there is no ground for refusal of the document, the document is stamped or deemed filed and a unique identification number and the filing date is stamped on the document or permanently associated with the record of the document maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the document was received. (3-25-22)

b. Correspondence. If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in Section 205. If there is no ground for refusal of the document, an

acknowledgment of filing is prepared as provided in Section 206. Acknowledgment of filing or notice of refusal of a UCC document is sent to the secured party (or the first secured party if there are more than one (1)) named on the UCC document or to the remitter if the remitter so requests by regular mail or by overnight courier if the remitter provides a prepaid waybill or access to the remitter's account with the courier. (3-25-22)

402. FILING DATE.

The filing date of a UCC document is the date the UCC document is received with the proper filing fee if the filing office is open to the public on that date; or, if the filing office is not so open to the public on that date, the filing date is the next date the filing office is so open, except that, in each case, UCC documents received after 5 p.m. shall be deemed received on the following day. The filing officer may perform any duty relating to the document on the filing date or on a date after the filing date. (3-25-22)

403. FILING TIME.

The filing time of a UCC document is determined as provided in Section 106. (3-25-22)

404. LAPSE DATE AND TIME.

A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if a timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a public-finance transaction or a manufactured-home transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be March 1 in the fifth year following the year of the filing date. (3-25-22)

405. ERRORS OF THE FILING OFFICER.

The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing date of a corrected document, the filing officer shall file a filing officer statement in the UCC information management system identifying the record to which it relates, the date of the correction and explaining the nature of the corrective action taken. The notation shall be preserved as long as the record is preserved in the UCC information management system. (3-25-22)

406. ERRORS OTHER THAN FILING OFFICE ERRORS.

An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by a correction statement. (3-25-22)

407. DATA ENTRY OF NAMES – DESIGNATED FIELDS.

A filing should designate whether a name is a name of an individual or an organization and, if an individual, also designate the first, middle and last names and any suffix. When this is done, Subsections 407.01 through 407.03 shall apply: (3-25-22)

01. Organization Names. Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name. (3-25-22)

02. Individual Names. On a form that designates separate fields for first, middle, and last names and any suffix, the filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form. (3-25-22)

03. Designated Fields Encouraged. The filing office encourages the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Filers should be aware that the inclusion of a name in an incorrect field or the failure to transmit a name accurately to the filing office may cause a filing to be ineffective. (3-25-22)

408. DATA ENTRY OF NAMES -- NO DESIGNATED FIELDS.

A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement

and that fails to specify whether the debtor is an individual or an organization shall be refused by the filing office. If it is accepted for filing in error, the following rules in Subsections 408.01 through 408.04 shall apply: (3-25-22)

01. Identification of Organizations. A name is treated as an organization name if it contains words or abbreviations that indicate status such as the following and similar words or abbreviations in foreign languages: association, church, college, company, co., corp., corporation, inc., limited, ltd., club, foundation, fund, L.L.C., limited liability company, institute, society, union, syndicate, GmbH, S.A. de C.V., limited partnership, L.P., limited liability partnership, L.L.P., trust, business trust, co-op, cooperative and other designations established by statutes to indicate a statutory organization. In cases where organization or individual status is not designated by the filer and is not clear, the filing officer will use his own judgment. (3-25-22)

02. Identification of Individuals. A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one (1) of the following titles, or the equivalent of one (1) of the following titles in a foreign language: proprietor, sole proprietor, proprietorship, sole proprietorship, partner, general partner, president, vice president, secretary, treasurer, M.D., O.D., D.D.S., attorney at law, Esq., accountant, CPA. In such cases, the title is not entered. (3-25-22)

03. Individual and Organization Names on a Single Line. Where it is apparent that the name of an individual and the name of an entity are stated on a single line and not in a designated individual name field, the name of the individual and the name of the entity shall be entered as two (2) separate debtors, one (1) as an individual and one (1) as an entity. Additional filing fees for the amendment to add additional debtor name(s) may be required. (3-25-22)

04. Individual Names. The failure to designate the last name of an individual debtor in an initial financing statement or an amendment adding such debtor to a financing statement should cause a filing to be refused. If the filing is accepted in error, or if only the last name is designated, the following data entry rules apply: (3-25-22)

a. Freestanding Initials. An initial in the first position of the name is treated as a first name. An initial in the second position of the name is treated as a middle name. (3-25-22)

b. Combined Initials and Names. An initial and a name to which the initial apparently corresponds is entered into one (1) name field only [e.g. "D. (David)" in the name "John D. (David) Rockefeller" is entered as "John" (first name); "D. (David)" (middle name); "Rockefeller" (last name)]. (3-25-22)

c. Multiple Individual Names on a Single Line. Two (2) individual names contained in a single line are entered as two different debtors [e.g. the debtor name "John and Mary Smith" is entered as two (2) debtors: "John Smith" and "Mary Smith"]. (3-25-22)

d. One Word Names. A one (1) word name is entered as a last name [e.g. "Charro" is treated as a last name]. (3-25-22)

e. Nicknames. A nickname is entered in the name field together with the name preceding the nickname, or if none, then as the first name (e.g., "William (Bill) Jones"). (3-25-22)

409. VERIFICATION OF DATA ENTRY. The filing officer uses double key entry to verify the accuracy of data entry tasks. (3-25-22)

410. INITIAL FINANCING STATEMENT.

01. New Record Bears the Unique UCC File Number. A new record is opened in the UCC information management system for each initial financing statement. The new record bears the unique file number of the financing statement and the date and time of filing. (3-25-22)

02. Name and Address of Each Debtor. The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each such debtor name is included in the searchable index and is not removed until one (1) year after the financing statement lapses. (3-25-22)

03. Name and Address of Each Secured Party. The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement. (3-25-22)

04. Record Is Indexed According to the Name of the Debtor. The record is indexed according to the name of the debtor(s) and is maintained for public inspection. (3-25-22)

05. Lapse Date. A lapse date is established for the financing statement, and the lapse date is maintained as part of the record. No lapse date is established for a financing statement which indicates it is filed against a transmitting utility. (3-25-22)

411. AMENDMENT.

01. Date and Time of Filing Amendment. A record is created for the amendment that bears the file number for the amendment and the date and time of filing. (3-25-22)

02. Amendment Initial Financing Statement. The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved. (3-25-22)

03. Amendment Financing Statement Lapses. The name and address of each additional debtor and secured parties are entered into the UCC information management system in the record of the financing statement. Each such additional debtor name is added to the searchable index and is not removed until one (1) year after the financing statement lapses. (3-25-22)

04. New Lapse Date Is Established. If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record. (3-25-22)

412. CORRECTION STATEMENT.

A record is created for the correction statement that bears the file number for the correction statement and the date and time of filing. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved. (3-25-22)

413. GLOBAL FILINGS.

01. Filing a Single UCC Document. The filing officer may accept for filing a single UCC document for the purpose of amending more than one (1) financing statement, for one (1) or both of the following purposes: (3-25-22)

a. Amendment to change secured party name; or (3-25-22)

b. Amendment to change secured party address. (3-25-22)

02. Global Filing. A global filing shall consist of a written document describing the requested amendment on a form approved by the filing office. Acceptance of a global filing is conditioned upon the determination of the filing officer and is within the filing officer's sole discretion. (3-25-22)

414. NOTICE OF BANKRUPTCY.

The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. (3-25-22)

415. -- 499. (RESERVED)

SUBCHAPTER 5 – SEARCH REQUESTS AND REPORTS

500. GENERAL REQUIREMENTS.

The filing officer maintains for public inspection a searchable index for all records of UCC documents that provides

for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates and which associates each initial financing statement and each filed UCC document relating to the initial financing statement. (3-25-22)

501. SEARCH REQUESTS.

Search requests shall contain the following information: (3-25-22)

01. Name Searched. A search request should set forth the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization. The full name of an individual should consist, whenever possible, of a first, middle, and last name, followed by any suffix that may apply to the name. The full name of an organization shall consist of the name of the organization as stated on the articles of incorporation or other organic documents in the state or country of organization or the name variant desired to be searched. A search request will be processed using the name in the exact form it is submitted. (3-25-22)

02. Requesting Party. The name and address of the person to whom the search report is to be sent. (3-25-22)

03. Fee. The appropriate fee shall be enclosed, payable by a method described in Section 113. (3-25-22)

502. OPTIONAL INFORMATION.

A UCC search request may contain any of the following information: (3-25-22)

01. Copies of Documents. A request that copies of documents referred to in the report be included with the report. The request may limit the copies requested by limiting them by reference to the city of the debtor, the date of filing, or a range of filing dates on the financing statements located by the related search. The request may ask for copies of UCC documents identified on the primary search response. (3-25-22)

02. Debtor Name. A request that the search of a debtor name be limited to debtors in a particular city. A report created by the filing officer in response to such a request shall contain the following statement: "A search limited to a particular city, the date of filing, or a range of filing dates may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search." (3-25-22)

03. Mode of Delivery. Instructions on the mode of delivery requested, if other than by ordinary mail, will be honored if the requested mode is at the time available to the filing office. (3-25-22)

503. RULES APPLIED TO SEARCH REQUESTS.

Search results are created by applying standardized search logic to the name presented to the filing officer by the person requesting the search. Human judgment does not play a role in determining the results of the search, except with respect to supplemental responses regarding individual debtor names that are not automated. The following, and only the following, rules are applied to conduct searches: (3-25-22)

01. No Limit on Number of Search Matches. There is no limit to the number of matches that may be returned in response to the search criteria. (3-25-22)

02. Not Case Sensitive. No distinction is made between upper and lower case letters. (3-25-22)

03. Punctuation. Punctuation marks and accents are disregarded. (3-25-22)

04. Words and Abbreviations at the End of a Name. Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the "Ending Noise Words" list as promulgated and adopted by the International Association of Corporation Administrators, as amended from time to time, are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing). (3-25-22)

05. "The" Disregarded. The word "the" at the beginning of the search criteria is disregarded. (3-25-22)

- 06. Spaces.** All spaces are disregarded. (3-25-22)
- 07. Initials.** For first and middle names of individuals, initials are equated with all names that begin with such initials, and no middle name or initial is equated with all middle names and initials. (3-25-22)
- 08. Names Searched On.** After taking the preceding rules into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in active financing statements in the UCC information management system, the search will reveal only names of debtors that are contained in active financing statements and, as modified, exactly match the name requested, as modified. (3-25-22)
- 504. SEARCH RESPONSES.**
Reports created in response to a search request shall include the following: (3-25-22)
- 01. Filing Officer.** Identification of the filing officer and the certification of the filing officer required by the UCC. (3-25-22)
- 02. Report Date.** The date the report was generated. (3-25-22)
- 03. Name Searched.** Identification of the name searched. (3-25-22)
- 04. Certification Date.** The certification date applicable to the report; i.e., the date and time through which the search is effective to reveal all relevant UCC documents filed on or prior to that date. (3-25-22)
- 05. Identification of Initial Financing Statements.** Identification of each unlapsed initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time. (Lapsed financing statements remain active for one (1) year after the lapse date and may be requested on the search form.) (3-25-22)
- 06. History of Financing Statement.** For each initial financing statement on the report, a listing of all related UCC documents filed by the filing officer on or prior to the certification date. (3-25-22)
- 07. Copies.** Copies of all UCC documents revealed by the search and requested by the searcher. (3-25-22)
- 505. -- 599. (RESERVED)**

SUBCHAPTER 6 – OTHER NOTICES OF LIENS

600. POLICY STATEMENT.

The purpose of the rules in this section is to describe non-UCC liens maintained by the filing office. These liens are treated by the filing officer in a manner similar to UCC documents and are included, on request, with the reports described in Section 504. (3-25-22)

601. NOTICE OF FEDERAL TAX LIEN.

- 01. Filing.** Pursuant to Section 45-202, Idaho Code, federal tax liens on business entities, estates, and trusts are filed at the Secretary of State's Office. (3-25-22)
- a. Fee.** (3-25-22)
- i.** The fee for filing is six dollars (\$6); (3-25-22)
- ii.** If there is an attachment there is an additional fee of one dollar (\$1) per page. (3-25-22)
- b. Duration.** Pursuant to the Internal Revenue Code, federal tax liens have a duration of ten (10) years. (3-25-22)

- 02. Mechanics of Search.** (3-25-22)
 - a.** Fee for Search: Six dollars (\$6) for information only; (3-25-22)
 - b.** Combination Search Available with UCC Search: (3-25-22)
 - i.** Ten dollars (\$10) for information; (3-25-22)
 - ii.** Sixteen dollars (\$16) for information and copies. (3-25-22)
- 602. NOTICE OF STATE TAX LIEN.**
 - 01. Filing.** (3-25-22)
 - a.** Where to File. The Secretary of State accepts electronic filings from the Idaho Tax Commission pursuant to Chapter 19, Title 45, Idaho Code, and Title 63, Idaho Code. (3-25-22)
 - b.** Fee. None. (3-25-22)
 - c.** Duration. Five (5) years. (3-25-22)
 - 02. Mechanics of Search.** (3-25-22)
 - a.** Fee for Search. Six dollars (\$6) for information only; (3-25-22)
 - b.** Combination Search Available with UCC Search: (3-25-22)
 - i.** Ten dollars (\$10) for information; (3-25-22)
 - ii.** Sixteen dollars (\$16) for information and copies. (3-25-22)
- 603. NOTICE OF OTHER LIEN IN FAVOR OF A GOVERNMENTAL BODY (NATURE AND DURATION).**
 - 01. State Agencies.** Generally under Chapter 19, Title 45, Idaho Code. (3-25-22)
 - a.** Department of Commerce and Labor, Chapter 13, Title 72, Idaho Code (unemployment insurance-five year duration). (3-25-22)
 - b.** Department of Commerce and Labor, Chapter 6, Title 45, Idaho Code (wage claims-five (5) year duration). (3-25-22)
 - c.** Department of Health and Welfare, Chapter 12, Title 7, Idaho Code (child support-indefinite duration). (3-25-22)
 - d.** Department of Health and Welfare, Chapter 2, Title 56, Idaho Code (medical assistance-five (5) year duration). (3-25-22)
 - 02. Counties.** Chapter 35, Title 31, Idaho Code (indigent medical-indefinite duration). (3-25-22)
 - 03. Mechanics of Search.** (3-25-22)
 - a.** Fee for Search. Six dollars (\$6) for information only; (3-25-22)
 - b.** Combination Search Available with UCC Search: (3-25-22)

- i. Ten dollars (\$10) for information; (3-25-22)
- ii. Sixteen dollars (\$16) for information and copies. (3-25-22)

604. SEED AND FARM LABOR LIENS.

01. Mechanics of Filing. Seed and farm labor liens pursuant to Chapter 3, Title 45, Idaho Code are filed in the same manner as initial financing statements and may use only forms prescribed by the Secretary of State's Office. They are indexed by debtor name and will be revealed, on request, by searches under Sections 504 and 505. (3-25-22)

a. Where to File. Seed and farm labor liens are filed with the filing office. (3-25-22)

b. Fee. (3-25-22)

i. Four dollars (\$4), if filed online; (3-25-22)

ii. Liens not filed online may be subject to a manual entry surcharge. (3-25-22)

c. Duration. (3-25-22)

i. Farm labor liens remain in effect for twelve (12) months after filing and may be extended for six (6) months. (3-25-22)

ii. Seed liens remain in effect for sixteen (16) months and may be extended for six (6) months. (3-25-22)

02. Mechanics of Search. (3-25-22)

a. Fee for Search. Six dollars (\$6) for information only; (3-25-22)

b. Combination Search Available with UCC Search; (3-25-22)

i. Ten dollars (\$10) for information; (3-25-22)

ii. Sixteen dollars (\$16) for information and copies. (3-25-22)

605. AGRICULTURE COMMODITY LIENS.

01. Mechanics of Filing. Agricultural commodity liens pursuant to Chapter 18, Title 45, Idaho Code are filed in the same manner as initial financing statements and may use only forms prescribed by the Secretary of State's Office. These types of liens are indexed by debtor name and will be revealed, on request, by searches under Sections 504 and 505. (3-25-22)

a. Fee. Five dollars (\$5). (3-25-22)

b. Duration. Ninety (90) days. (3-25-22)

02. Mechanics of Search. (3-25-22)

a. Fee for search: Six dollars (\$6) for information only; (3-25-22)

b. Combination search available with UCC search; (3-25-22)

i. Ten dollars (\$10) for information; (3-25-22)

ii. Sixteen dollars (\$16) for information and copies. (3-25-22)

606. FARM PRODUCT LIENS.

01. Mechanics of Filing. (3-25-22)

a. Pursuant to Section 28-9-526, Idaho Code, farm product liens are filed in the same manner as initial financial statements and may use only forms prescribed by the Secretary of State's Office. They are indexed by debtor name and will be revealed, on request, by searches under Sections 504 and 505. (3-25-22)

b. Where to File. Farm product liens are filed with the filing office. (3-25-22)

c. Fee: Ten dollars (\$10), if filed online; (3-25-22)

d. Duration. Farm product liens remain in effect for five (5) years and may be extended to five (5) years if continuation is received six (6) months prior to lapse. (3-25-22)

02. Mechanics of Search. (3-25-22)

a. Fee for Search: Six dollars (\$6) for information only; (3-25-22)

b. Combination Search Available with UCC Search: (3-25-22)

i. Ten dollars (\$10) for information; (3-25-22)

ii. Sixteen dollars (\$16) for information and copies. (3-25-22)

607. -- 999. (RESERVED)