

## **IDAPA 34 – SECRETARY OF STATE**

### **Business Division**

#### **34.05.03 – Requests for Information – Form UCC-4 – Fees**

##### **Who does this rule apply to?**

*Any person filing a request for information form in order to search the Idaho database of liens filings, including but not limited to: title companies, banks, and Idaho citizens.*

##### **What is the purpose of this rule?**

*Establishes the parameters for filing and fees for filing a request for information and receiving information on liens within the following programs:*

1. Secured Transactions filings
2. Seed and Labor Liens
3. Liens in crops
4. Federal Liens
5. State Liens
6. UCC/ Idaho Administrative Procedures Act

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

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

Commercial Transactions -

- [Title 28, Chapter 9, Part 5, et seq., Idaho Code](#) - Secured Transactions-Filing Liens, Mortgages and Pledges -
- [Title 45, Chapters 2, et seq., Idaho Code](#) - Uniform Federal Lien Registrations
- [Title 45, Chapters 3, Idaho Code](#) - Liens in Crops

State Government and State Affairs -

- [Title 67, Chapter 52, Idaho Code](#) - Idaho Administrative Procedure Act

##### **Who do I contact for more information on this rule?**

Secretary of State  
700 West Jefferson Street, Room E205  
Boise, ID 83720-0080  
Phone: (208) 334-2852  
Fax: (208) 334-2282  
Email: [chouck@sos.idaho.gov](mailto:chouck@sos.idaho.gov)  
<http://sos.idaho.gov>

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### 34.05.03 – REQUESTS FOR INFORMATION – FORM UCC-4 – FEES

#### 000. LEGAL AUTHORITY AND REFERENCES.

- 01. Title 28, Chapter 9, Part 4, Idaho Code. (3-20-20)T
- 02. Title 45, Chapters 2 and 3, Idaho Code. (3-20-20)T
- 03. Title 67, Chapter 52, Idaho Code. (3-20-20)T
- 04. IDAPA 34, Title 05, Chapter 01, “Farm Products Central Filing System.” (3-20-20)T
- 05. IDAPA 34, Title 05, Chapter 02, “Liens in Crops, For Seed and Farm Labor.” (3-20-20)T

#### 001. -- 003. (RESERVED)

#### 004. DEFINITIONS.

- 01. SOS. Secretary of State. (3-20-20)T
- 02. EFS. An effective financing statement relating to farm products, as described in IDAPA 34.05.01, “Rules Governing Farm Products Central Filing System, Office of the Secretary of State.” (3-20-20)T
- 03. **Notice of Lien in Crops.** A notice of claim of lien in crops for seed or farm labor, as described in IDAPA 34.05.02, “Rules Governing Liens in Crops, For Seed, and Farm Labor,” Office of the Secretary of State. (3-20-20)T
- 04. **Notice of Federal Lien.** A notice of lien in personal property filed by the Internal Revenue Service or other federal entity pursuant to Title 45, Chapter 2, Idaho Code. (3-20-20)T
- 05. UCCFS. A financing statement filed pursuant to Sections 28-9-402 and 28-9-403, Idaho Code, other than one relating to farm products. (3-20-20)T
- 06. **Notices.** A collective term used in this rule to include all of the notices and financing statements described in the foregoing Subsections 004.02 through 004.05, as well as all ancillary documents pertaining thereto. (3-20-20)T
- 07. **Debtor.** As used in this rule, “Debtor” shall include a licensee under Title 45, Chapter 2, Idaho Code, and a producer under Title 45, Chapter 3, Idaho Code. (3-20-20)T
- 08. **Secured Party.** As used in this rule, “Secured Party” shall include the federal government under Title 45, Chapter 2, Idaho Code and a claimant under Title 45, Chapter 3, Idaho Code. (3-20-20)T

#### 005. -- 010. (RESERVED)

#### 011. REQUESTS FOR INFORMATION.

- 01. **Content.** Upon the request of any person, the SOS shall issue a certificate showing all notices of the types included in a request naming a particular debtor. The certificate shall include the date and hour of filing of each notice, and the name and address of each secured party named therein. If the requested notices include EFS’s or notices of liens in crops, the certificate shall further include other information described in IDAPA 34.05.01, Subsection 017.03, “Rules Governing Farm Products Central Filing System,” Office of the Secretary of State, and IDAPA 34.05.02, Subsection 015.04, “Rules Governing Liens in Crops, For Seed and Farm Labor,” Office of the Secretary of State, as applicable. (3-20-20)T
- 02. **Form.** The SOS shall prescribe an approved form for such requests, designated “UCC-4.” Other forms may be used, provided they contain all the necessary information and provided that the fee for use of a non-standard form is paid. After January 31, 1993, only the form UCC-4 with a revision date of 10/92 or later will be held to be a standard form. Prior to that date, previously approved forms UCC-4 and UCC-4F will be held to be standard forms for the purposes for which they were intended; e.g. a form UCC-4F may be used to request information on EFS’s, notices of liens in crops, or both; an old UCC-4 may be used to request information on UCCFS’s, and if noted on the UCC-4, on notices of federal liens. A verbally conveyed request will be treated as a non-standard form request. (3-20-20)T

**012. VERBAL REQUESTS FOR INFORMATION.**

**01. SOS Responsibility.** Upon the verbal request of any person, the SOS shall provide, within twenty-four (24) hours, a verbal report of the filing of any notices naming a particular debtor. The SOS will include in the report as much of the information described in Section 011, supra., as the requesting party wants. (3-20-20)T

**02. Time Computation.** In computing the twenty-four (24) hour period, weekends and holidays shall not be counted, pursuant to Section 59-1007, Idaho Code. (3-20-20)T

**03. Attempts to Respond.** If the verbal report is to be made telephonically and the requesting party cannot be reached at the stated telephone number within the twenty-four (24) hour period, the SOS shall attempt to reach the requesting party over an additional twenty-four (24) hour period. If at the end of that time the requesting party has not been reached, the SOS shall be deemed to have fulfilled his obligation to make a timely verbal report. A log of each attempted call shall be maintained by the SOS. At least three (3) attempts to reach the requesting party shall be made in each twenty-four (24) hour period, if the requesting party cannot be reached earlier. (3-20-20)T

**04. Written Confirmation.** The SOS shall follow the verbal report with written confirmation, which shall be in the form of a certificate in response to a non-standard information request as prescribed in Section 011, supra. (3-20-20)T

**013. FEES.**

**01. Single Type.** The fee for the certificate of the SOS showing all notices of a single type is six dollars (\$6). (3-20-20)T

**02. Multiple Types.** The fee for the certificate of the SOS showing all notices of more than one (1) type is ten dollars (\$10). (3-20-20)T

**03. Copies.** The fee for requesting copies of the notices reported on the certificate is six dollars (\$6). (3-20-20)T

**04. Non-Standard.** The fee for use of a non-standard form or for submission of a form which is not typed is four dollars (\$4). (3-20-20)T

**05. Verbal Report.** The fee for providing a verbal report of notices naming a particular debtor is ten dollars (\$10). (3-20-20)T

**06. Single Copies.** The fee for a copy of any notice, when the requesting party provides the document number to the SOS, is one dollar (\$1) per page. (3-20-20)T

**07. Service Suspension.** Notwithstanding any other provision of this rule, cash payment in advance will be required from a requesting party against whom the SOS holds an account receivable more than sixty (60) days past due or which exceeds one hundred dollars (\$100). (3-20-20)T

**014. -- 999. (RESERVED)**

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