

# Chapter 308-391 WAC

## UNIFORM COMMERCIAL CODE, ARTICLE 9

### WAC

#### SECTION 1 - GENERAL PROVISIONS

308-391-100	Definitions.
308-391-101	Methods to deliver UCC records—Time of filing.
308-391-102	Search request delivery.
308-391-103	Forms.
308-391-104	Fees.
308-391-105	Expedited services.
308-391-106	Methods of payment.
308-391-107	Overpayment and underpayment policies.
308-391-108	Public bulk records services.
308-391-109	Fees for public records services.

#### SECTION 2 - ACCEPTANCE AND REFUSAL OF RECORDS

308-391-200	Role of the filing officer.
308-391-201	Time schedule for filing a continuation statement.
308-391-202	Grounds for refusal.
308-391-203	Procedure upon refusal.
308-391-204	Refusal errors.
308-391-205	Notification of defects.

#### SECTION 3 - UCC INFORMATION MANAGEMENT SYSTEM

308-391-300	General.
308-391-301	Primary data elements.
308-391-302	Individual debtor names.
308-391-303	Organization debtor names.
308-391-304	Estates.
308-391-305	Trusts.
308-391-306	Initial financing statement.
308-391-307	Amendments generally.
308-391-308	Continuation statement.
308-391-309	Termination.
308-391-310	Correction statement.
308-391-311	Filing officer statement.
308-391-312	Procedure upon lapse.
308-391-313	Removal of record.

#### SECTION 4 - FILING AND DATA ENTRY PROCEDURES

308-391-400	Errors of the filing office.
308-391-401	Data entry.
308-391-402	Verification of data entry.
308-391-403	Master amendments.
308-391-404	Notice of bankruptcy.
308-391-405	Redaction of certain information.

#### SECTION 5 - SEARCH REQUESTS AND REPORTS

308-391-500	General requirements.
308-391-501	Search requests—Required information.
308-391-502	Search requests—Optional information.
308-391-503	Search methodology.
308-391-504	Changes in standard search logic.
308-391-505	Search responses.

#### SECTION 6 - OTHER NOTICES OF LIENS

308-391-601	Agricultural liens.
308-391-602	Processor lien or preparer lien.
308-391-603	Notice of liens in favor of a governmental body.

### SECTION 1 - GENERAL PROVISIONS

**WAC 308-391-100 Definitions.** Terms used in these filing office rules but not defined below shall have the same meanings as those terms in chapter 62A.9A RCW.

(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 information provided as an address on a UCC record as long as it includes at least a city and a state or foreign country.

(3) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

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

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

(6) "Filing office" and "filing officer" mean the director of the department of licensing or designee.

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

(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 submits a UCC record and payment to the filing office for filing, whether the person is a filer or an agent of a filer responsible for submitting the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record 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.

(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" includes a secured party of record as defined in the UCC as well as the person who has been a secured party of record and an amendment has been filed to delete that person as a secured party of record.

(12) "UCC" means the Uniform Commercial Code as adopted in this state under chapter 62A.9A RCW.

(13) "UCC information management system" means the information management system used by the filing office to store, index, and retrieve information relating to financing statements and liens as described in these filing office rules.

(14) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation statement, a termination statement, a filing officer statement, or a correction statement, and includes a record maintained by the filing office. The term does not refer exclusively 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, which has not yet lapsed under RCW 62A.9A-515 with respect to all secured parties of record.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-100, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-101 Methods to deliver UCC records—Time of filing.** UCC records may be tendered for filing at the filing office as follows:

(1) Personal delivery at the filing office's street address. Delivery is accepted between 8:00 a.m. and 5:00 p.m. Monday through Friday except state holidays. The file time for a UCC record delivered by this method is when the UCC record is first examined by a filing officer for processing, even though the UCC record may not yet have been accepted for filing and subsequently may be rejected.

(2) Courier delivery at the filing office's street address. Delivery by courier is considered personal delivery under subsection (1) of this section and the same rules apply.

(3) Postal service delivery to the filing office's mailing address. The file time for a UCC record delivered by this method is when the UCC record is first examined by a filing officer for processing, even though the UCC record may not yet have been accepted for filing and subsequently may be rejected.

(4) Electronic mail and telefacsimile delivery are not accepted.

(5) Electronic filing. UCC records may be transmitted electronically using the XML format prescribed by the filing office. The time of filing of a UCC record delivered by this method is the time the filing office's information management system determines that all the required elements of the transmission have been received in the required format.

(6) Direct web page data entry. UCC records may be delivered by online data entry using the filing office's web site on the internet. The file time for a UCC record delivered by this method is the time the entry of all required elements of the UCC record in the proper format is acknowledged by the online entry system.

(7) Means of communication. Regardless of the method of delivery, information in UCC records communicated to the filing office must be machine readable and only in the form of characters included in the American National Standards Institute (ANSI) character set 0-255. Handwriting is not an acceptable means of completing any UCC form.

(8) Transmitting utility. The only means to indicate to the filing office that an initial financing statement is being filed against a debtor that is a transmitting utility, in order to affect the filing office's determination of lapse date, is to check the appropriate box on a UCC1 Addendum filed with the initial financing statement or by transmitting the information in the proper field in an electronic filing of the initial financing statement.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-101, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-102 Search request delivery.** UCC search requests may be delivered to the filing office by any of the means by which UCC records may be delivered to the filing office. A search request for a debtor named on an initial financing statement may be made on the initial financing statement if the initial financing statement is accepted for filing and the search fee is also tendered.

[Ch. 308-391 WAC—p. 2]

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-102, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-103 Forms.** The filing office accepts only the forms prescribed by RCW 62A.9A-521, and paper-based forms approved by the International Association of Commercial Administrators, and forms otherwise approved by the filing office. Forms approved by the filing office are available on the UCC web site.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-103, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-104 Fees.** (1) The nonrefundable processing fee for filing and indexing a UCC record is:

FILINGS	DELIVERY MODE	FEE INCLUDING SURCHARGE
Financing Statement	electronic	\$11.00
Financing Statement Amendment	electronic	\$11.00
UCC1 Financing Statement (1 or 2 pages)	mail	\$23.00
UCC3 Financing Statement Amendment (1 or 2 pages)	mail	\$23.00
UCC5 Correction Statement (1 or 2 pages)	mail	\$23.00
Attachment	mail and electronic	\$1.00 each page

(2) UCC search fee. The nonrefundable fee for processing a UCC search request is:

SEARCH TYPE	DELIVERY MODE	FEE
Search by debtor name	electronic	No charge
Search by file number	electronic	No charge
Debtor name search with copies	electronic	\$15.00
Search held to reflect the filing	electronic	\$10.00/debtor name
UCC11 Search response	mail	\$10.00
UCC11 Search response with copies	mail	\$15.00
Search held to reflect the filing (UCC1 box 7)	mail	\$10.00/debtor name

(3) The fees for purchase of bulk data are:

BULK DATA	DELIVERY MODE	FEE
Full text	electronic	\$500
Text plus images	electronic	\$1,000
Weekly updates	electronic	\$150

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-104, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-105 Expedited services.** Expedited services are not provided.

(7/31/12)

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-105, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-106 Methods of payment.** Filing fees and search fees may be paid by the following methods:

(1) Cash. Payment in cash is accepted if paid in person at the filing office.

(2) Checks. Personal checks, cashier's checks, and money orders made payable to the filing office are accepted for payment provided that the drawer (or the issuer in the case of a cashier's check or money order) is deemed creditworthy by the filing office in its discretion. Checks may be made payable in an amount to be filled in by the filing office if the filing office is clearly authorized to fill in the amount.

(3) Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from remitters who have entered into appropriate NACHA-approved arrangements for electronic transfers with the UCC filing office and who authorize the relevant transfer under those arrangements and rules.

(4) Credit cards. The filing office accepts payment by credit cards issued by approved issuers. Remitters must provide the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued, the billing address for the card, and any other information required by the filing office to complete the transaction. Payment will not be deemed tendered until the issuer or its agent has authorized payment. This method of payment is accepted for online services and in person at the public service counter.

(5) The filing office accepts payment for bulk data by check or electronic funds transfer, except weekly updates which must be paid by electronic funds transfer.

[Statutory Authority: RCW 62A.9A-526, 10-09-073, § 308-391-106, filed 4/19/10, effective 5/20/10. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-106, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-107 Overpayment and underpayment policies.** (1) Overpayment. The filing office refunds the amount of an overpayment exceeding \$9.99 to the remitter. The filing office refunds an overpayment of \$9.99 or less only upon the written request of the remitter. The refund is mailed to the name and address provided in box B within thirty days under separate cover.

(2) Underpayment. Upon receipt of a UCC record or search request with an insufficient payment, the filing office returns a copy of the request to the name and address provided in box B. The processing fees paid under WAC 308-391-104 are not refundable and the remitter must submit a new payment.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-107, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-108 Public bulk records services.** Records filed at the UCC office are available in bulk electronic format to any member of the public on a nondiscriminatory basis. A reimbursable services agreement between the purchaser and the department must be established prior to purchase.

(7/31/12)

(1) Full text data. The data elements of all active records may be purchased monthly.

(2) Image data. Images of those records filed on paper since October 1, 2001, may be purchased monthly if purchased with full text data.

(3) Weekly updates. A purchaser may subscribe to receiving weekly updates of the records and images filed in the previous week.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-108, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-109 Fees for public records services.** Fees and payment methods for purchase of bulk data are identified in WAC 308-391-104.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-109, filed 5/29/09, effective 6/29/09.]

## SECTION 2 - ACCEPTANCE AND REFUSAL OF RECORDS

**WAC 308-391-200 Role of the filing officer.** The duties and responsibilities of the filing officer are ministerial. In accepting for filing or refusing to file a UCC record under these rules, the filing officer does not:

- Determine the legal sufficiency or insufficiency of the UCC record;
- Determine that information in the record is correct or incorrect, in whole or in part; or
- Create a presumption that information in the UCC record is correct or incorrect, in whole or in part.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-200, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-201 Time schedule for filing a continuation statement.** (1) First day permitted.

(a) A continuation statement may be filed no earlier than six months preceding the date in which the financing statement would lapse. Example: If a financing statement will lapse on July 7th, the earliest the corresponding continuation statement may be filed is January 7th of the same year.

(b) If there is no corresponding date, 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. Example: If a financing statement will lapse on October 31st, the earliest the corresponding continuation statement may be filed is April 30th. This rule is subject to the ability of the filing office to take delivery of the continuation statement.

(2) Last day permitted.

(a) The last day on which a continuation statement may be filed is the date upon which the related financing statement lapses. This rule is subject to the ability of the filing office to take delivery of the continuation statement. Accordingly, the time of filing of the continuation statement must occur on or prior to the last day. Delivery by certain means of communication may not be available on the last day if the filing office is not open for business or the online services are unavailable.

(b) The one exception to this rule pertains to a record which lapses on February 29th in a year when there is no February 29th. The last day on which a continuation statement may be filed is March 1st.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-201, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-202 Grounds for refusal.** In determining under RCW 62A.9A-516 whether or not there is one or more grounds to refuse a UCC record, the filing office will refuse a record for any of the following reasons:

(1) The financing statement does not provide an address that meets the minimum requirements for an address as set forth in these filing office rules.

(2) The information on the financing statement form is not machine-printed. However, attachments to the form may be handwritten.

(3) The financing statement form contains illegible information. Labels and imprints from ink stamps are considered illegible.

(4) The named debtor(s) is a public official, as provided in RCW 60.70.030.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-202, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-203 Procedure upon refusal.** If the filing office finds grounds to refuse a UCC record, the filing office communicates the reason(s) for the refusal and other related information to the name and address provided in box B on the financing statement. The refusal notice will be communicated within two business days after the refused UCC record was received by the filing office, by mail or more expeditious means as the filing office shall determine. Records of refusal, including a copy of the refused UCC record and the ground(s) for refusal, are maintained until the first anniversary of the lapse date that applies or would have applied to the related financing statement, assuming that the refused record had been accepted and filed.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-203, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-204 Refusal errors.** If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer will file the UCC record with the filing date and time the UCC record was originally submitted for filing. A filing officer statement record relating to the initial financing statement is placed in the UCC information management system on the date that the corrective action was taken. The filing officer statement provides the date of the correction and explains the nature of the corrective action taken. The filing officer statement record is preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-204, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-205 Notification of defects.** 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 record, whether or not it was filed or refused for filing. However, the filing office is under no obligation 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.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-205, filed 5/29/09, effective 6/29/09.]

### SECTION 3 - UCC INFORMATION MANAGEMENT SYSTEM

**WAC 308-391-300 General.** The filing office 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 included on financing statements and liens that are in active records. The rules in this section describe the UCC information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-300, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-301 Primary data elements.** The primary data elements used in the UCC information management system are the following:

(1) Identification numbers.

(a) Each initial financing statement or lien is identified by its unique file number. A record is created in the information management system for each initial financing statement or lien and all information comprising the record is maintained in the system. The record is identified by the same information assigned to the initial financing statement or lien.

(b) A UCC record other than an initial financing statement or lien is identified by a unique file number assigned by the UCC information management system. In the UCC information management system, all UCC records other than initial financing statements and liens are linked to the record of their related initial record.

(2) Type of record. The type of UCC record from which data is transferred is identified in the UCC information management system from information supplied by the remitter.

(3) Filing date and filing time. The filing date and filing time of UCC records are stored in the UCC information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

(4) Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC records to the UCC information management system.

(5) Page count. The total number of pages in a UCC record is maintained in the UCC information management system.

(6) 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.

(7) Indexes of names. The filing office maintains in the UCC information management system a searchable index of organization debtor names, a searchable index of individual debtor names, a searchable index of organization secured party names, and a searchable index of individual secured party names. The index is not a separate data base but is comprised of records in the UCC information management system identified to be included in the searchable index.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-301, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-302 Individual debtor names.** For purposes of these rules, an "individual debtor name" is any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an individual, without regard to the nature or character of the name or to the nature or character of the actual debtor.

(1) Individual name fields. Individual debtor names are stored in files that include only the individual debtor names, and not organization debtor names. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. The name of a debtor with a single name (e.g., "Cher") is treated as a last name and shall be entered in the last name field. The filing office assumes no responsibility for the accurate designation of the components of a name but shall accurately enter the data in accordance with the filer's designations.

(2) Titles, prefixes and suffixes. Titles, prefixes (e.g., "Ms.") and suffixes or indications of status (e.g., "M.D.") are not typically part of a debtor's name. However, when entering a "name" into the UCC information management system, the filing office will enter the data exactly as it appears in the fields.

(3) Truncation of individual names. Personal name fields in the UCC information management system are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing office, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows:

- (a) First name: 100 characters.
- (b) Middle name: 100 characters.
- (c) Last name: 100 characters.
- (d) Suffix: 10 characters.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-302, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-303 Organization debtor names.** For purposes of these rules, an "organization debtor name" is any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an organization, without regard to the nature or character of the name or to the nature or character of the actual debtor.

(1) Single field. Organization debtor names are stored in files that include only organization debtor names and not individual debtor names. A single field is used to store an organization debtor name.

(2) Truncation of organization names. The organization debtor name field in the UCC data base is fixed in length. The maximum length is 300 characters. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing office, up to the maximum length of the organization debtor name field.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-303, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-304 Estates.** The debtor name to be provided on a financing statement for a debtor that is an estate is the name of the relevant decedent. In order for the information management system to function in accordance with the usual expectations of filers and searchers, the filer should

provide the debtor name as an individual debtor name. However, the filing office will enter data submitted by a filer in the fields designated by the filer exactly as it appears in the fields.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-304, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-305 Trusts.** The debtor name provided for a debtor that is a trust or a trustee acting in respect of trust property is the name of the trust as set forth in its organic record(s), if the trust has such a name. If the trust does not have such a name, the name of the trust's settlor will be used for the debtor name. In order for the information management system to function in accordance with the usual expectations of filers and searchers, the name of a trust or of a settlor that is an organization is provided as an organization debtor name, and the name of a settlor who is an individual is provided as an individual debtor name, in each case without regard to the nature or character of the debtor. However, the filing office will enter data submitted by a filer in the fields designated by the filer exactly as it appears in the fields.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-305, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-306 Initial financing statement.** Upon filing an initial financing statement the status of the parties and the status of the financing statement will be as follows:

(1) Status of secured party. Each secured party named on an initial financing statement is a secured party of record, except that if the UCC record names an assignee, the secured party/assignor is not a secured party of record and the secured party/assignee is a secured party of record. Both names are indexed in the UCC information management system while the financing statement is an active record.

(2) Status of debtor. Each debtor name provided in the initial financing statement is indexed in the UCC information management system while the financing statement is an active record.

(3) Status of financing statement. The financing statement is an active record. A lapse date is calculated, five years from the file date, unless the initial financing statement indicates that it is filed against a transmitting utility, in which case there will be no lapse date.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-306, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-307 Amendments generally.** Filing an amendment does not change the status of the parties on the record.

(1) If an amendment adds a debtor or a secured party to the record, the new debtor or secured party is added to the appropriate index and associated with the record of the financing statement in the UCC information management system.

(2) An amendment that designates an assignee causes the assignee to be added as a secured party of record.

(3) If an amendment deletes a debtor or a secured party from a financing statement, no debtor or secured party of record is deleted from the UCC information management system. A deleted secured party will still be treated by the

ing office as a secured party of record as the filing office cannot verify the effectiveness of an amendment.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-307, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-308 Continuation statement.** (1) Continuation of lapse date. Upon the timely filing of one or more continuation statements by any secured party(s) of record, the lapse date of the financing statement is postponed for five years. The lapse date is postponed once only, even if more than one continuation statement is filed within a given six-month period prior to a lapse date.

(2) Status. The filing of a continuation has no effect upon the status of any party to the financing statement or upon the status of the financing statement.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-308, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-309 Termination.** The filing of a termination has no effect upon the status of any party to the financing statement or upon the status of the financing statement.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-309, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-310 Correction statement.** The filing of a correction statement has no effect upon the status of any party to the financing statement, the status of the financing statement, or to the information maintained in the information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-310, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-311 Filing officer statement.** A filing officer statement affects the status of parties and of the relevant financing statement as provided in the corrective action described in the filing officer statement.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-311, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-312 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.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-312, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-313 Removal of record.** A financing statement must remain as an active record until at least one year after it lapses, or if it is indicated to be filed against a transmitting utility, until at least one year after it is terminated with respect to all secured parties of record. On or after the first anniversary of the lapse or termination date, the filing office or the UCC information management system may remove the financing statement and all related UCC records from the searchable indexes or from the UCC information management system and the removed UCC records will cease to be active records. UCC records removed from the UCC information management system cannot be retrieved.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-313, filed 5/29/09, effective 6/29/09.]

[Ch. 308-391 WAC—p. 6]

## SECTION 4 - FILING AND DATA ENTRY PROCEDURES

**WAC 308-391-400 Errors of the filing office.** The filing office may correct data entry and indexing errors of filing office personnel in the UCC information management system at any time. If a correction is made to a record after the filing office has issued a search report with a through date and time on or after the filing date and time of the financing statement, the filing office will add a filing officer statement for that UCC record on the date that the corrective action was taken. The filing officer statement will provide the date and an explanation of the correction.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-400, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-401 Data entry.** Data provided on a paper-based form is keyed into the system exactly as it appears without regard to apparent errors. Data provided in electronic form is transferred to the information management system exactly as submitted by the remitter. The UCC information management system will not recognize characters outside the ANSI character set as described in WAC 308-391-101. The filing office may determine alternate characters or letters for nonstandard characters and will post these alternates on the web site.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-401, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-402 Verification of data entry.** (1) The filing office verifies accuracy of the data entry performed by the filing officers of UCC records entered into the UCC information management system.

(2) Data entry performed by remitters in filing UCC records electronically is the responsibility of the remitter and is not verified by the filing office.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-402, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-403 Master amendments.** The filing office will not accept a master or global amendment to multiple records.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-403, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-404 Notice of bankruptcy.** The filing office takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-404, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-405 Redaction of certain information.** The filing office may be obliged to redact certain information from the information it provides to searchers and bulk data purchasers in accordance with applicable privacy and identity theft protection laws. Such information should not be included in UCC financing statements and may be redacted in accordance with those laws.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-405, filed 5/29/09, effective 6/29/09.]

## SECTION 5 - SEARCH REQUESTS AND REPORTS

**WAC 308-391-500 General requirements.** The filing office maintains for public inspection a searchable index of all active records in the UCC information management system. Active records are retrievable by the name of the debtor, by the name of the secured party, or by the file number of the UCC record. Each active record related to an initial financing statement is retrieved with the initial financing statement. A search by file number does not retrieve related records.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-500, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-501 Search requests—Required information.** Search requests must include the following:

(1) Name to be searched. A search request must set forth the name to be searched using designated fields for organization and individual first, middle, and last names. A search request will be processed using the data and designated fields exactly as submitted, including the submission of no data in a given field, without regard to the nature or character of the debtor or secured party that is the subject of the search.

(2) Requesting party. The name and address of the person to whom the search results are to be sent.

(3) Fee. The appropriate fee shall be tendered by a method described in WAC 308-391-106.

(4) Search logic. The request shall specify if a search methodology other than that described in WAC 308-391-503 is to be applied in conducting the search. If no such methodology is specified, the one described in WAC 308-390-503 will be applied.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-501, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-502 Search requests—Optional information.** Search requests may include the following:

(1) The request may limit the UCC records that would normally be provided by requesting that results be limited to those UCC records that:

- Include a particular city in the debtor address;
- Were filed within a particular range of dates; or
- Relate to agricultural liens and non-UCC records only.

(2) Scope of search. A search request may ask for a search that reports all active records retrieved by the search rather than only unlapsed records retrieved by the search.

(3) Mode of delivery. The filing office will honor an online request to return the results by courier if the remitter provides a valid courier account number and the requested mode is available to the filing office.

(4) Search request with filing. If a filer requests a search at the time an initial financing statement is filed, by checking box 7 of the UCC1 or by marking the appropriate field on the online initial financing statement, the search request will be conducted as soon as it is possible to retrieve all relevant UCC records filed on or prior to the date the initial financing statement is filed. A fee is required for each debtor name searched.

(7/31/12)

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-502, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-503 Search methodology.** Search results are produced by the application of search logic to the name presented to the filing office. Human judgment does not play a role in determining the results of the search.

(1) Standard search logic. The following rules describe the filing office's standard search logic and apply to all searches except for those where the search request specifies that a nonstandard search logic be used:

(a) There is no limit to the number of matches that may be returned in response to the search criteria.

(b) No distinction is made between upper and lower case letters.

(c) The character "&" (the ampersand) is deleted and replaced with the characters "and" in each place it appears in the name.

(d) Punctuation marks and accents are disregarded. Punctuation and accents include all characters other than the numerals 0 through 9 and the letters A through Z (in any case) of the English alphabet.

(e) The following words and abbreviations at the end of an organization name that indicate the existence or nature of the organization are "disregarded" to the extent practicable as determined by the filing office's programming of its UCC information management system:

ATTORNEYS AT LAW, MEDICAL DOCTORS PROFESSIONAL ASSOCIATION, PROFESSIONAL ASSOCIATION, NATIONAL ASSOCIATION, SAVINGS ASSOCIATION, MEDICAL DOCTORS PROFESSIONAL CORPORATION, PROFESSIONAL CORPORATION, SERVICE CORPORATION, PROFESSIONAL LIMITED LIABILITY COMPANY, LIMITED LIABILITY COMPANY" & ", PROFESSIONAL LIMITED LIABILITY CO, REGISTERED LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, LIMITED PARTNERSHIP, GENERAL PARTNERSHIP, AS TRUSTEE, REAL ESTATE INVESTMENT TRUST, BUSINESS TRUST, FEDERAL CREDIT UNION, CREDIT UNION, FEDERAL SAVINGS BANK" & ", NATIONAL BANK, SOLE PROPRIETORSHIP, GEN PART, PROF ASSN, PROF CORP, INCORPORATED, ASSOCIATION, CORPORATION, PARTNERSHIP, ASSOCIATES, CHARTERED, CHARTER, COMPANY, PARTNERS, RAILROAD, LIMITED, PARTSHP, TRUSTEE, AGENCY, ASSOC, TRUST, ASSN, ASSC, BANK, CORP, LTEE, L T E E" & ", MDPA, M D P A, MDPC, M D P C, PLLC, P L L C, REIT, R E I T, RLLP, L L L P, DBA, D B A, FCU, F C U, FSB, F S B, INC, LLP, L L P, LLC, L L C, LTD, SPA, S P A, CO, CU, C U, GP, G P, LC, L C, LP, L P, NA, N A, PA, P A, PC, P C, P S, PS, RR, SA, S A, SC, SP, S P

(f) The word "the" at the beginning of an organization debtor name is disregarded.

(g) All spaces are disregarded.

(h) For first and middle names of individual debtor names, initials are treated as the logical equivalent of all names that begin with those initials. For example, a search request for "John A. Smith" would cause the search to retrieve all records against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field.

[Ch. 308-391 WAC—p. 7]

A first name with no middle name or initial is equated with all middle names and initials. For example, if the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all records against an individual with "John" or the initial "J" as the first name, "Smith" as the last name, and with any name or initial, or no name or initial, in the middle name field.

(i) If the name being searched is the last name of an individual name without any first or middle name provided, the search will retrieve from the UCC information management system all unexpired records or, if requested by the searcher, all active records with individual names that consist of only that last name.

(j) After using the preceding rules to modify the name being searched, the search will retrieve from the UCC information management system all unexpired records, or, if requested by the searcher, all active records with names that, after being modified as provided in this rule, exactly match the modified name being searched.

(2) Nonstandard search logic. The filing office provides a flexible Browse Names tool to help the searcher narrow the search to one specific name for the standard search request. It helps identify UCC records filed under old laws or under other laws (like IRS liens). It also helps to find names with alternate spellings, abbreviations and other variations.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-503, filed 5/29/09, effective 6/29/09.]

#### **WAC 308-391-504 Changes in standard search logic.**

If the filing office changes its standard search logic or the implementation of its standard search logic in a manner that could alter search results, the filing office will provide public notice of the change.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-504, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-505 Search responses.** Reports created in response to a search request include the following:

(1) Copies. If copies are requested, copies of all UCC records retrieved by a debtor name search are provided unless only limited copies are requested by the searcher. Copies may reflect redaction of certain personal identifying information. The filing office cannot provide copies with a search by secured party name.

(2) Introductory information. The filing office includes the following information with a search response:

(a) Identification of the agency director responsible for the search report.

(b) Unique number that identifies the search report.

(c) The date and time the report was generated.

(d) The date on or prior to which a UCC record must have been filed with the filing office for it to be reflected on the search.

(e) Certification language: "The Director certifies that the following list and attached copies, if any, are a true and exact representation of all financing statements and non-UCC liens for the name searched, as filed with the Department of Licensing, Uniform Commercial Code Program, as of the through date shown above."

(f) Search logic disclaimer language: "A search limited to a particular city, range of dates, or file number may not reveal all records against a name searched. The searcher bears the risk of relying on such a search result."

(g) Name provided by the searcher to be searched.

(h) Search string. The name searched after modifications made as provided by WAC 308-391-503.

(i) Lien type searched. Identifies the types of records included: All UCC records, or Ag liens, or non-UCC records.

(j) Scope of search: Indicates whether it includes only unexpired, or all active records.

(k) Search logic used: RA-9 standard search logic is used in all certified searches.

(l) Copies. When requested, copies of records will be attached to a certified search report, but the individual copies will not be certified. The requestor may specify certain copies related to one specific debtor name.

(3) Report. The body of the search report will contain the following:

(a) Identification of record. Identification of each initial financing statement and non-UCC lien, including a listing of all related amendments, correction statements, or filing officer notices, filed on or prior to the through date corresponding to the search criteria. Financing statement information includes, but is not limited to the following:

- 1 Initial financing statement or lien file number.
- 2 The date and time the financing statement or lien was filed.
- 3 The lapse date as calculated as of the through date and time.
- 4 The debtor name(s) that appear(s) on record.
- 5 The debtor address(es) that appear(s) on record.
- 6 The secured party name(s) that appear(s) on record.
- 7 The secured party address(es) that appear(s) on record.
- 8 An indication of the type of each amendment, if any.
- 9 The date and time each amendment was filed, if any.
- 10 The amendment file number of each amendment, if any.
- 11 The date and time a correction statement was filed, if any.
- 12 The date and time a filing officer statement was filed, if any.

(b) A unique number assigned to the search report.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-505, filed 5/29/09, effective 6/29/09.]

## **SECTION 6 - OTHER NOTICES OF LIENS**

**WAC 308-391-601 Agricultural liens.** Agricultural liens are filed in the same manner as an initial financing statement. The filer shall designate the statement as an agricultural lien in box 5 of the UCC-1 form or the appropriate field online. The lien will be indexed by debtor name and will be revealed by searches as provided in WAC 308-391-505.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-601, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-602 Processor lien or preparer lien.**

(1) A producer or commercial fisherman or wine producer may satisfy the condition in chapter 60.13 RCW that a statement evidencing the processor lien or preparer lien be filed under RCW 60.13.040 in a record, authenticated by the producer or fisherman, by using the same filing forms and procedures outlined in this chapter for filing a financing statement, and by satisfying the following additional statutory requirements prescribed in RCW 60.13.040:

(a) Designate the financing statement as a statement filed under RCW 60.13.040 evidencing the processor lien or preparer lien or wine producer lien by marking "Non-UCC Filing" (not AG-lien) in box 5, and by stating which type of lien is claimed in box 8.

(b) State the true amount or a reasonable estimate of the debt demanded after deducting all credits and offsets and the date on which payment was due for the agricultural product or fish to be charged with the lien in box 10 of the Addendum.

(c) State the name and address of the producer(s), processor(s), conditioner(s) or preparer(s) who received the agricultural product or fish to be charged with the lien in boxes 1, 2 and 11, as needed.

(d) State the name and address of the lien holder in box 3.

(e) Add a description sufficient to identify the agricultural product or fish to be charged with the lien in box 4.

(f) Include the statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien, and the statement that the act of filing this notice constitutes the present intention of the producer or commercial fisherman that the statements there are true and adopted by the producer or commercial fisherman as their own in box 10 of the Addendum. If you cannot include all of the information required to be included in box 10, use the additional space provided in box 16 of the Addendum with a cross-reference that it is a continuation of the information to be added to box 10.

(2) Authentication. The authorized filing of the financing statement on the approved forms, containing the additional information, and in the manner that complies with the requirements of this section is deemed to be an authenticated record by the producer or commercial fisherman as required by RCW 60.13.040(2).

(3) Where to file. File in the department of licensing as provided in WAC 308-391-101.

(4) Fee. The fees are the same as provided in WAC 308-391-104.

(5) Duration. As provided in RCW 60.13.060(1), the wine producer or processor lien shall terminate twelve months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment of the lien or filing of the statement, unless a suit to foreclose the lien has been filed before that time as provided in RCW 60.13.070. Thus a filed statement evidencing a processor lien or a preparer lien is not effective for five years, and need not, and may not be continued as provided in WAC 308-391-201.

(6) Mechanics of search. Crop liens claimed under chapter 60.11 RCW, processor liens or preparer liens or wine producer liens claimed under chapter 60.13 RCW for which statements have been filed in accordance with this rule, and financing statements filed under RCW 62A.9A-310 are revealed in a search as provided in WAC 308-391-505.

[Statutory Authority: RCW 62A.9A-526 and 60.13.040. 12-16-073, § 308-391-602, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-602, filed 5/29/09, effective 6/29/09.]

**WAC 308-391-603 Notice of liens in favor of a governmental body.** Records of certain governmental liens are maintained by the filing office under statutes other than the UCC and are treated in a manner substantially similar to UCC records. These liens are included on all searches as provided in WAC 308-391-505:

(1) Notice of Federal Tax Lien, RCW 60.68.045;

(2) Criminal Profiteering Lien, RCW 9A.82.120 through 9A.82.140;

(3) Department of Justice Lien, RCW 60.68.015.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-603, filed 5/29/09, effective 6/29/09.]