

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of ARM 44.6.201 and ) ON PROPOSED AMENDMENT AND  
adoption of new rules ) ADOPTION  
regarding Uniform Commercial )  
Code Filings (UCC) )

TO: All Concerned Persons

1. On April 22, 2002, a public hearing will be held at 10:00 a.m. in the Secretary of State's Office Conference Room at room 260 of the State Capitol, Helena, Montana, to consider the proposed amendment of ARM 44.6.201 defining search criteria and adoption of new rules regarding UCC searches, amendments and consumer liens.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Secretary of State no later than 5:00 p.m. on April 19, 2002, to advise us of the nature of the accommodation that you need. Please contact Kitty Ryan, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-5598; FAX (406) 444-5833; e-mail kryan@state.mt.us.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

44.6.201 DEFINING SEARCH CRITERIA FOR UNIFORM COMMERCIAL CODE CERTIFIED SEARCHES (1) through (6)(d) remain the same.  
(7) A search limited to a particular city may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such search.

AUTH: Sec. 2-15-404 and 30-9-407, MCA  
IMP: Sec. 30-9-403 and 30-9-421, MCA

4. The rules as proposed to be adopted provide as follows:

RULE I EFFECTIVE DATE AND TIME (1) Any filing delivered by the postal service has an effective time as of 8:00 a.m. on the delivery date. Filings received after 4:00 p.m. have the next business day's effective date.  
(2) Any filing received by fax, walk-in, or express delivery service will have the same date and time as received.

AUTH: Sec. 30-9-539, MCA  
IMP: Sec. 30-9-539, MCA

RULE II REQUIREMENTS FOR FILING UCC AMENDMENTS (1) In addition to the requirements of 30-9A-512, MCA, the following information needs to be included:

(a) the name of the debtor(s) currently on file with the secretary of state;

(b) the name of the secured party(ies) currently on file with the secretary of state;

(c) the original filing number on file with the secretary of state;

(d) only one filing number per form.

(2) Multiple amendments, other than terminations, may be submitted on one form.

AUTH: Sec. 30-9-546, MCA

IMP: Sec. 30-9-539, MCA

5. The rules as proposed are intended to clarify procedures for perfecting liens under Revised Article 9.

6. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Janice Doggett, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801, or by e-mailing [jdoggett@state.mt.us](mailto:jdoggett@state.mt.us), and must be received no later than May 1, 2002.

7. Janice Doggett, address given in paragraph 6 above, has been designated to preside over and conduct the hearing.

8. The Secretary of State maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding administrative rules, corporations, elections, notaries, records, uniform commercial code or combination thereof. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Bureau, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-5833, e-mailed to [klubke@state.mt.us](mailto:klubke@state.mt.us), or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

9. The bill sponsor notice requirements of 2-4-302, MCA do not apply.

/s/ Bob Brown

BOB BROWN

Secretary of State

/s/ Janice Doggett  
JANICE DOGGETT  
Rule Reviewer

Dated this 18th day of March, 2002