



# UCC Article 9 & Other Lien-Related Legislation

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| State | Bill  | Introduced | Description  | Status   |
|-------|-------|------------|--|--|
| CA    | A1165 | 2/17/17    | Would have required state agencies to send an email to a tax debtor providing notice of the recordation of a state tax lien if the tax debtor's email is known. This would have been in addition to the existing requirement to send written notice by mail. However, the Assembly amended the bill to remove this provision before it passed.   | Passed Assembly 5/30/17.   |
| DE    | H175  | 5/11/17    | Increases fees and taxes assessed by the secretary of state.   | <b>ENACTED</b> on 7/2/17. Takes effect on 8/1/17. Certain provisions take effect for the tax year beginning 1/1/17 and others for the tax year beginning 1/1/18. |
| DE    | H252  | 6/20/17    | Enhances the state's ability to collect delinquent taxes. The bill would allow renewal of a judgment for unpaid taxes for an additional 20-year period beyond the 20 year limit provided by current law. In addition, the bill provides for recording of a judgment for unpaid taxes with any county in the state, not just the county of the taxpayer's residence.  | Passed House 6/30/17. Passed Senate 7/1/17.  |
| GA    | H337  | 2/10/17    | Provides for a uniform state-wide system for filing notices of state tax executions issued by the commissioner that are in favor of or enforced by the department. The bill also directs the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA) to revise the state-wide uniform automated information system for real and personal property records to provide for the inclusion in such system of state tax executions and renewed state tax executions electronically filed with clerks of superior court. | <b>ENACTED</b> on 5/9/17. Takes effect on 1/1/18.  |

| State | Bill  | Introduced | Description  | Status  |
|-------|-------|------------|--|---|
| HI    | H403  | 1/20/17    | If debt secured by a mortgage is also secured by an assignment of leases and rents, this bill would require a mortgagee to reassign or release an assignment of leases and rents upon full satisfaction and discharge of the secured debt. | Passed conference committee on 5/2/17 and was sent to the governor on 5/4/17. |
| HI    | S396  | 1/20/17    | If debt secured by a mortgage is also secured by an assignment of leases and rents, this bill would require a mortgagee to reassign or release an assignment of leases and rents upon full satisfaction and discharge of the secured debt. | <b>ENACTED</b> 7/11/17. Took effect 7/1/17.                                   |
| ID    | H203  | 2/23/17    | Creates a statewide electronic filing system for all records filed with the secretary of state. The bill also authorizes the secretary of state to collect certain personal data of users to establish, verify and validate user accounts. | <b>ENACTED</b> on 3/21/17.  |
| IL    | H2351 | 2/2/7      | Creates a lien for unpaid wages that must be perfected by filing a notice of lien in the UCC records.  | Pending.  |
| IL    | H2450 | 2/7/17     | Enacts State Tax Lien Registration Act. Creates state tax lien registry maintained by the Department of Revenue. A tax lien will be perfected by inclusion in the registry.  | <b>FAILED.</b> See SB 9.  |
| IL    | S9    | 1/11/17    | Enacts State Tax Lien Registration Act. Creates state tax lien registry maintained by the Department of Revenue. A tax lien will be perfected by inclusion in the registry.  | <b>ENACTED</b> on 7/6/17. Takes effect on 1/1/18.                             |
| IL    | S1280 | 2/9/17     | Enacts State Tax Lien Registration Act. Creates state tax lien registry maintained by the Department of Revenue. A tax lien will be perfected by inclusion in the registry. Appears similar to HB 2450.                                    | <b>FAILED.</b> See SB 9.  |

| <b>State</b> | <b>Bill</b> | <b>Introduced</b> | <b>Description</b>  | <b>Status</b>                                |
|--------------|-------------|-------------------|---|--|
| <b>IL</b>    | S1556       | 2/9/17            | Provides that a certificate of title contain the names and fax numbers or electronic addresses of any lienholders and the certificate's expiration date. Provides that an expiration date of 2 calendar years after the end of term of the lien shall be included in the certificate.   | Pending.                                     |
| <b>IL</b>    | S2224       | 7/21/17           | Repeals the State Tax Lien Registration Act.  | Pending.                                     |
| <b>IN</b>    | H1296       | 1/10/17           | Provides for a lien in favor of a tax sale certificate holder who protects, removes trash or otherwise repairs abandoned property. The lien holder must file a sworn statement with the county recorder.  | Assigned to Judiciary Committee.             |
| <b>IA</b>    | H56         | 1/30/17           | Allows for cancellation of a security interest indicated on a certificate of title by a separate notarized form or letter.  | Assigned to Local Government Committee.      |
| <b>IA</b>    | H142        | 2/21/17           | Creates a central notification system for security interests in farm products under the federal Food Security Act. Currently, a secured party in Iowa must deliver direct notice to the potential buyers of farm products to prevent the buyers from taking the farm products free of the security interest. This bill provides for the filing of Effective Financing Statement records (EFS) with the secretary of state. The bill also requires the secretary of state to create the central notification system and obtain certification by the U.S. Department of Agriculture. The bill requires the secretary of state to compile a master list of EFS records and regularly distribute it to buyers of farm products. | Assigned to the State Government Committee.  |
| <b>IA</b>    | S157        | 1/26/17           | Allows for cancellation of a security interest indicated on a certificate of title by a separate notarized form or letter.  | Assigned to Senate Transportation Committee. |

| State | Bill  | Introduced | Description   | Status   |
|-------|-------|------------|---|--|
| IA    | S1067 | 2/8/17     | Extends the time period from 20 to 60 days within which the owner of a custom cattle feedlot or the owner's personal representative may file a UCC financing statement to perfect an agricultural lien attaching to the cattle and identifiable cash proceeds from the sale of the cattle for the amount incurred in feeding and caring for the cattle. | Assigned to the Agriculture Committee.                                       |
| KS    | S39   | 1/18/17    | Requires that after a tax warrant has been docketed with the clerk of the district court, the secretary of revenue must file a notice of lien with the secretary of state in accordance with Part 5 of Article 9. The notice of lien will be effective for 10 years.  | Pending.   |
| MA    | H1495 | 2/24/17    | Provides that the assessment of personal property taxes by a municipal board of assessments shall have the same force and effect as a signed security agreement under UCC Article 9. The lien is perfected by filing a UCC financing statement and may be continued, assigned, etc. in accordance with Article 9.                                       | Assigned to the Revenue Committee.   |
| MN    | H983  | 2/9/17     | Clarifies eligibility for lien by those who furnish feed to a livestock producer and eliminates the livestock production input lien and temporary livestock production input lien.  | Assigned to the Agriculture Committee.                                       |
| MN    | S993  | 2/15/17    | Clarifies eligibility for lien by those who furnish feed to a livestock producer and eliminates the livestock production input lien and temporary livestock production input lien. Same as HB 983.  | Assigned to the Agriculture, Rural Development and Housing Policy Committee. |
| MT    | H18   | 1/2/17     | Revised process for sale of tax lien on real property, including notice requirements, transfer of tax certificate, and issuance of tax deed.  | <b>ENACTED</b> on 3/2/17. Took effect immediately.                           |

| State | Bill          | Introduced | Description  | Status  |
|-------|---------------|------------|--|---|
| NE    | L52           | 1/5/17     | Adopts the Modern Tax Act, which imposes a tax on interest payable on certain loans to a Nebraska resident or organization formed under NE law or an organization that has its principal office in NE. This includes "loans secured by a financing statement filed with the secretary of state." The tax is payable by the debtor with each regularly scheduled payment. The lender must collect and remit the tax to the tax commissioner on a monthly basis. | Carryover to 2018.  |
| NE    | L142          | 1/9/17     | Amends NE law with respect to Effective Financing Statements under the Food Security Act. Clarifies that a change to the secured party name or address is not a material change that requires an amendment. Also clarifies when a master list is received or obtained by a buyer.  | <b>ENACTED</b> on 5/10/17 and took effect immediately.                                      |
| NV    | S79           | 2/6/17     | Defines "personal information" to include a party's home address and allows a party obtain an order that prohibits the secretary of state, county clerk or county recording from releasing personal information.   | <b>ENACTED</b> 6/1/17. Takes effect on 10/1/17.   |
| NJ    | A1943<br>2016 | 1/27/16    | Establishes electronic lien and titling system for New Jersey motor vehicles.  | Carry over bill from 2016. Pending in Transportation and Independent Authorities Committee. |
| NJ    | S1824<br>2016 | 3/7/16     | Increases the time in which to file a claim of construction lien on non-residential property from 90 to 180 days.  | Carry over bill from 2016. Pending in the Senate Commerce Committee.                        |
| NJ    | S2968         | 1/30/17    | Establishes an electronic lien and title system for motor vehicles to replace the old paper-based system.  | Assigned to the Transportation Committee.   |
| NM    | H199          | 1/20/17    | Requires the seller or marketer of a distributed energy system to provide a copy of any UCC financing statement, amendment, assignment, or termination statement filed under the state's Article 9, to the buyer within 3 business days of filing.   | <b>ENACTED</b> on 4/6/17. Takes effect 90 days after the legislature adjourns.              |

| State | Bill  | Introduced | Description  | Status   |
|-------|-------|------------|--|--|
| NM    | S59   | 1/5/17     | Requires the seller or marketer of a distributed energy system to provide a copy of any UCC financing statement, amendment, assignment, or termination statement filed under the state's Article 9, to the buyer within 3 business days of filing.   | <b>FAILED.</b> Tabled indefinitely in the Senate on 1/17/17. |
| NM    | S210  | 1/26/17    | Similar to S59 and H199, requires the seller or marketer of a distributed energy system to provide a copy of any UCC financing statement, amendment, assignment, or termination statement filed under the state's Article 9, to the buyer within 30 calendar days of filing.   | <b>FAILED.</b> Pocket vetoed by governor on 4/7/17.          |
| NY    | A628  | 1/10/17    | Provides for an employee's lien for unpaid wages on the employer's personal property. The claimant must file a notice of lien and financing statement in the office designated in UCC § 9-501. The financing statement is effective for 1 year, but that may be extended for additional 1-year periods. Similar to S579. | Assigned to the Judiciary Committee.                         |
| NY    | A5238 | 2/7/17     | Amends UCC § 9-102 to add a definition for "Payment assurance device." The term would mean any device installed that could remotely disable a vehicle. The bill includes an amendment to the General Business Law that places restrictions on the use of payment assurance devices.                                      | Assigned to Consumer Affairs and Protection Committee.       |
| NY    | A6842 | 3/22/17    | Provides for an environmental lien against the real property of any person from whom the state may recover costs under the state finance law.  | Assigned to Environmental Conservation Committee.            |
| NY    | S579  | 1/4/17     | Provides for an employee's lien for unpaid wages on the employer's personal property. The claimant must file a notice of lien and financing statement in the office designated in UCC § 9-501. The financing statement is effective for 1 year, but that may be extended for additional 1-year periods.                  | Assigned to the Judiciary Committee.                         |

| State | Bill  | Introduced           | Description  | Status   |
|-------|-------|----------------------|--|--|
| NC    | H238  | 3/6/17               | Creates an employee wage lien on personal property that is perfected by filing a notice of lien in the secretary of state UCC records. Wage liens on real property are filed with the county recorder. The bill also raises the minimum wage to \$15/hr.   | Pending.   |
| NC    | H749  | 4/11/17<br>Pre-Filed | Allows issuance of a limited identification card to an undocumented alien and amends UCC § 9-503(a)(4) to add the limited identification card to the sufficient sources of an individual debtor name for purposes of a financing statement.  | Pending.   |
| NC    | S174  | 3/2/17               | Creates an employee wage lien on personal property that is perfected by filing a notice of lien in the secretary of state UCC records. Wage liens on real property are filed with the county recorder. The bill also raises the minimum wage to \$15/hr.   | Pending.   |
| ND    | S2160 | 1/10/17              | Provides that if a mortgagee, lienholder, or other person entitled to notice under this subsection has an agent registered with the secretary of state for the purpose of accepting service, a county recorder must serve a notice of tax lien foreclosure on that registered agent.   | <b>ENACTED</b> on 3/13/17. Takes effect for tax years after 12/31/16.                            |
| ND    | S2214 | 1/13/17              | Clarifies that the SSN/FEIN requirements for UCC records only apply to those records filed in the central index.   | <b>ENACTED</b> on 3/15/17. Takes effect 8/1/17.  |
| OK    | H1218 | 2/6/17               | Extends the time period for resubmission of title application for a special lien on titled personal property by persons who provide storage, services, material, labor or skill to the owner from 15 to 30 days. Similar to HB 2314.   | Assigned to Judiciary, Civil and Environmental Committee.  |
| OK    | H1281 | 2/6/17               | Adopts the Oklahoma Construction Registry Act, which provides that a provider of labor, materials, services or rental equipment may register to preserve its lien. The registration takes the place of pre-lien notice. Amendments on 3/1/17 provide that the registry would be administered by party under contract with the state. | Passed House on 3/21/17. Assigned to Senate Business, Commerce and Tourism Committee on 3/27/17. |

| State | Bill       | Introduced | Description   | Status  |
|-------|------------|------------|---|---|
| OK    | H2314      | 2/6/17     | Extends the time period for resubmission of title application for a special lien on titled personal property by persons who provide storage, services, material, labor or skill to the owner from 15 to 30 days. Similar to HB 1218.  | <b>ENACTED</b> on 5/2/17. Takes effect 11/1/17.                                     |
| OK    | S127       | 2/6/17     | Increases the time limit for submitting certain documents for perfection of a lien on a motor vehicle from 25 to 30 days.   | Assigned to Appropriations Committee.   |
| TN    | H156       | 1/30/17    | Extends the time for filing a financing statement to perfect a purchase-money security interest from the already non-uniform 30 days to 60 days. Same as SB 171.  | Assigned to Banking and Insurance Committee.  |
| TN    | H1044      | 2/9/17     | Provides that a prime contractor's lien is forfeited if the final decision of the suit brought for its enforcement is not delivered within two (2) years of the lienor bringing the suit to enforce the lien. Imposes penalty on party that unduly delays or extends the action.                    | Pending.  |
| TN    | S171       | 1/30/17    | Extends the time for filing a financing statement to perfect a purchase-money security interest from the already non-uniform 30 days to 60 days. Same as HB 156.  | Assigned to Commerce and Labor Committee.   |
| TN    | S843       | 2/9/17     | Provides that a prime contractor's lien is forfeited if the final decision of the suit brought for its enforcement is not delivered within two (2) years of the lienor bringing the suit to enforce the lien. Imposes penalty on party that unduly delays or extends the action. Similar to HB 1044 | Assigned to Judiciary Committee.  |
| TX    | H3969      | 3/10/17    | Requires secretary of state to conduct a study on the feasibility of developing and implementing a central notification system.   | <b>FAILED</b> to pass out of committee before the legislature adjourned on 5/29/17. |
| VA    | H9<br>2016 | 1/13/16    | Provides that a non-resident property owner may be served with notice of mechanics lien by posting to a web site of the Commonwealth, county or city where the property is located.   | Carry over bill from 2016.  |



| State | Bill  | Introduced | Description   | Status  |
|-------|-------|------------|---|---|
| VA    | H1992 | 1/11/17    | Makes changes to tax lien priority language to bring state tax liens into parity with local tax liens.  | <b>ENACTED</b> on 3/16/17. Takes effect on 7/1/17.              |
| VA    | S920  | 1/11/17    | Makes changes to tax lien priority language to bring state tax liens into parity with local tax liens.  | <b>ENACTED</b> on 2/21/17. Takes effect on 7/1/17.              |
| VA    | S1345 | 1/13/17    | Amends VA's version of UCC § 9-503(a)(4) with respect to sufficiency of individual debtor names. Instead of referring to a "driver's license or identification card" the amended text refers to a driver's license or other document under a provision of the motor vehicle laws. The applicable section of the motor vehicle laws is also amended to allow issuance of a driver's privilege card or permit under certain conditions to persons who have VA income or have filed VA state income tax returns. | <b>FAILED.</b> Died in the Transportation Committee on 1/18/17. |