



Fraudulent Filing/Recording Legislation

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State	Bill	Introduced	Description	Status
AR	S414	2/21/17	Adds a section to Part 5 of Article 9 that appears contain certain elements of the ULC "Hip-Pocket" amendments. This measure would allow a filing office to file a termination statement if a person named as debtor files an affidavit stating the person that filed the record was not authorized and that it was not filed by a bank or a person that regularly extends credit to agricultural producers. There is no exception for records filed by a trusted filer as provided in the ULC Hip-Pocket amendments. There is a provision for judicial review and reinstatement.	ENACTED on 4/7/17. Takes effect 91 days after the legislature adjourns.
CT	H7198	2/28/17 Reissued on 4/20/17	Makes the filing of a false record with intent to defraud, deceive, injure or harass another a felony. In addition, it amends the state's version of UCC 5-518 to provide that a person named in a false record may petition the court to invalidate the record, when such record was falsely filed or amended. Reissued bill includes expedited judicial review process.	ENACTED on 6/30/17. Fraudulent filing provisions take effect on 1/1/18.
CT	S931	2/28/17	Makes the filing of a false record with intent to defraud, deceive, injure or harass another a felony. In addition, it amends the state's version of UCC 5-518 to provide that a person named in a false record may petition the court to invalidate the record, when such record was falsely filed or amended.	FAILED. Died in committee when it failed to pass before deadline.

State	Bill	Introduced	Description	Status
IL	H3150	2/9/17	Authorizes county recorders to adopt a review and referral process for potentially fraudulent documents. The bill contains a long list of characteristics a recorder should consider as part of the review, most of which are commonly found in Sovereign Citizen and redemption UCC and real estate records. A recorder may refer the potentially fraudulent documents to an administrative law judge for review and to law enforcement.	ENACTED on 8/22/17. Took effect immediately.
IA	HSB180	3/7/17	Amends the state's version of UCC § 9-516(b) to require the filing office to reject a UCC record if the debtor and secured party appear to be the same person, although the filing office may accept the record with reasonable proof that the parties are not the same. In addition, the bill makes it a crime to communicate a record to the filing office without authorization under UCC § 9-509 with the intent to harass or defraud the person identified as debtor.	Assigned to Ways and Means Committee.
KS	S10	1/10/17	Amends KS law that prohibits filing false liens against public officials to provide that if a court rules that a claim should be set aside then its findings of fact and conclusions of law should prohibit the person from filing future liens without court permission.	Passed the Judiciary Committee 2/10/17. Withdrawn from the Federal and State Affairs Committee on 3/6/17.
MO	H303	1/4/17	Provides that filing or attempting to file a fraudulent UCC or other record is a felony and includes expedited review.	FAILED. See SB 128.
MO	HCB1	3/27/17	Contains provisions identical to HB 303.	FAILED. See SB 128.
MO	S128	1/4/17	Substitute bill on 5/12/17 added language identical to the fraudulent filing provision in HB 303, HCB 1, and SB 332.	FAILED. Governor vetoed the bill on 7/14/2017.
MO	S332	1/23/17	Substitute bill on 5/2/17 added language identical to the fraudulent filing provision in HB 303 and HCB 1.	FAILED. See SB 128.
NJ	A3828 2016	5/26/16	Enhances protections against fraudulent deeds.	Passed Assembly on 3/16/17. Assigned to the Senate Community and Urban Affairs Committee.
NJ	S3221	5/18/17	Enhances protections against fraudulent deeds. Text is identical to AB 3828 (2016).	Assigned to Community and Urban Affairs Committee.

State	Bill	Introduced	Description	Status
NY	A4498	2/2/17	Similar to SB 206 and SB 3707. Makes filing a false lien against the real or personal property of a public official on account of performance of official duties a felony.	Assigned to the Codes Committee.
NY	S206	1/4/17	Makes filing a false lien against the real or personal property of a public official on account of performance of official duties by the individual a felony.	Assigned to the Judiciary Committee.
NY	S3707	1/26/17	Similar to SB 206. Makes filing a false lien against the real or personal property of a public official on account of performance of official duties by the individual a felony.	Assigned to the Codes Committee.
PA	S349	2/15/17	The bill makes it a crime to simulate legal process, including actions that affect title to real or personal property. The language is broad enough to encompass fraudulent UCC records and similar false liens. The bill also makes it a crime to hinder public officials and to use unofficial license plates.	Assigned to the Judiciary Committee.
TN	H535	2/7/17	The bill adds a new non-uniform section to the state's version of UCC 9-§ 513, which permits a public official named as debtor in a financing statement to file a notarized affidavit that sets forth facts why the UCC record was filed without legal basis or cause. Upon filing of the affidavit, the secretary of state shall mark the record as "Contested-Under Review." The bill further provides for the secretary of state to remove the contested record from the UCC index after a period of time and provides a method for the secured party to contest the affidavit through a hearing before an administrative law judge. Similar to SB 726.	Assigned to Insurance Banking Committee.
TN	S726	2/8/17	The bill adds a new non-uniform section to the state's version of UCC 9-§ 513, which permits a public official named as debtor in a financing statement to file a notarized affidavit that sets forth facts why the UCC record was filed without legal basis or cause. Upon filing of the affidavit, the secretary of state shall mark the record as "Contested-Under Review." The bill further provides for the secretary of state to remove the contested record from the UCC index after a period of time and provides a method for the secured party to contest the affidavit through a hearing before an administrative law judge. Similar to HB 535.	ENACTED on 5/18/17. Takes effect on 10/1/17.