



## 2020 UCC Article 9 & Lien-Related Legislation

Includes Tax Lien, Judgment Lien, Real Estate Lien and Fraudulent Filing Bills

Updated March 20, 2020

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State	Bill	Introduced	Description	Status
Arizona	H2495	1/16/20	Provides that a civil judgment in favor of the state creates a lien on the judgment debtor's real property and applies retroactively to all civil judgments in favor of the state.	Passed House 2/25/20. Assigned to Senate Finance Committee.
Arizona	S1330	1/27/20	Provides that the amount of a mechanics lien claim may include interest.	Passed Senate Commerce Committee 3/11/20.
California	A235	1/18/19	Amended in Senate on 9/6/19 to add a section to the Public Utilities Code that provides special rules for the perfection of security interests in "wildfire recovery property" by filing a financing statement in compliance with UCC Article 9. The bill provides special rules for sufficiency of the collateral description and requires that the financing statement must also be filed with the Public Utilities Commission.	Passed Assembly 5/22/19. Assigned to the Senate Energy, Utilities and Communications Committee. Carry over to 2020.
Connecticut	H5048	2/11/20	Requires the state to record a lien against the property of parents of and aid to dependent children beneficiary for amounts owing under any order for support for the lien to be effective against a bona fide purchaser of such property.	Assigned to Joint Banking Committee.
Connecticut	H5426	3/3/20	Creates a wage lien for unpaid wages due an employee. Perfection of the lien against the employer's personal property requires filing a UCC1 with the secretary of state. Perfection against real property requires recording with the lien with the town clerk.	Assigned to Joint Banking Committee.
Florida	H897	1/14/20	Prohibits anyone not in a direct contract with the owner from claiming a construction lien on the owner's real property.	<b>FAILED</b> 3/14/20. Withdrawn.

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Florida	S1422	1/14/20	Prohibits anyone not in a direct contract with the owner from claiming a construction lien on the owner's real property.	FAILED 3/14/20. Withdrawn.
Illinois	H321	1/10/19	Repeals State Tax Lien Registration Act	Assigned to House Committee on Revenue and Finance.
Indiana	H1021	1/06/20	Permits discharge of a mechanics lien by filing an indemnification or payment bond with the county recorder.	Passed House 2/3/20.
Iowa	HSB500	1/14/20	Creates a "grain warehouse lien" in favor of a licensed grain warehouse. The new lien is automatically perfected and has super-priority over other creditors while the grain is in the possession of the warehouse. The warehouse may continue the lien's super-priority status after relinquishing possession by filing a financing statement with the secretary of state.	Assigned to the House Agriculture Committee.
Iowa	H2047	1/21/20	Requires the secretary of state to create a central filing system for Effective Financing Statements under the federal Food Security Act and seek certification from the USDA. Also provides for a warehouse drying or storage lien.	Assigned to House Commerce Committee.
Iowa	SB3078	1/27/20	Requires the secretary of state to create a central filing system for Effective Financing Statements under the federal Food Security Act and seek certification from the USDA. Also provides for a warehouse drying or storage lien.	Assigned to Senate Commerce Committee.
Iowa	SSB3169	2/12/20	Extends the scope of an agricultural landlord's lien. Under current law, the landlord's lien applies to crops. This bill would change "crops" to "farm products produced on the leased premises." The bill also gives a landlord's lien priority over conflicting security interests and certain other agricultural liens.	Assigned to Senate Commerce Committee.
Kansas	H2105	1/30/19	Amends definition of "registered organization" in UCC 9-102(a) to include a series of a registered organization.	Bill is tracked on Business Organization Legislation chart. Carry over to 2020.

<b>State</b>	<b>Bill</b>	<b>Introduced</b>	<b>Description</b>	<b>Status</b>
<b>Kansas</b>	H2691	2/14/20	Adopts the Kansas Electricity Bill Reduction Bonds Act (K-EBRA), which includes provisions for security interests in certain K-EBRA property rights. A UCC financing statement filed to perfect such a security interest must specifically refer to the act and the financing order creating the K-EBRA property in the collateral statement.	Assigned to House Taxation Committee.
<b>Kansas</b>	S198	2/15/19	Adopts the Kansas Electricity Bill Reduction Bonds Act (K-EBRA), which includes provisions for security interests in certain K-EBRA property rights. A UCC financing statement filed to perfect such a security interest must specifically refer to the act and the financing order creating the K-EBRA property in the collateral statement.	Assigned to Senate Utilities Committee. Carry over to 2020.
<b>Kansas</b>	S372	2/6/20	Clarifies contents of court order in action to set aside a fraudulent lien against real or personal property and provides criminal penalties for filing fraudulent liens and UCC financing statements.	Assigned to Senate Judiciary Committee.
<b>Kansas</b>	S437	2/13/20	Adopts the Kansas Electricity Bill Reduction Bonds Act (K-EBRA), which includes provisions for security interests in certain K-EBRA property rights. A UCC financing statement filed to perfect such a security interest must specifically refer to the act and the financing order creating the K-EBRA property in the collateral statement.	Assigned to Senate Utilities Committee.
<b>Louisiana</b>	S140	3/9/20	Adds new § 9-528 to the Louisiana UCC. The new section would require all UCC filing offices in the state to notify the secretary of state within 24 hours after discovery of a “cyber incident,” which the bill defines as an event that may jeopardize the confidentiality, integrity, or availability of digital information or information systems. The filing offices subject to the requirements of this bill include the parish clerks but also the Department of Public Safety and Department of Wildlife and Fisheries, where UCC records may be filed on motor vehicles, boats and motors.	Passed Senate and Government Affairs Committee as amended 3/11/20.
<b>Massachusetts</b>	S1660	3/1/19	Provides that the assessment of personal property taxes by a municipal board of assessors shall have the force and effect of a signed security agreement under the UCC. The lien shall be perfected following non-payment of the tax by the filing of a financing statement by the municipal collector at the office of the state secretary in accordance with the provisions of the UCC.	Assigned to Joint Revenue Committee.

State	Bill	Introduced	Description	Status
Michigan	H4699	6/11/19	Allows a city that has obtained a lien for nonpayment of certain violations to attach that lien to any land, building or structure within the state.	Assigned to the House Local Government and Municipal Finance Committee.
Michigan	H5624	3/12/20	Amends form provisions in the state's version of UCC § 9-520, which address fraudulent filing, and the state's version of UCC § 9-521.	Assigned to the House Commerce and Tourism Committee.
Minnesota	H2262	3/7/19	Reduces statute of limitations from 6 to 4 years for bringing civil actions on contracts and other obligations unless the UCC provides otherwise.	Assigned to the House Judiciary, Finance and Civil Law Division Committee. Carry over to 2020.
Minnesota	H4042	3/2/20	Adopts portions of the Hip-Pocket Amendments to UCC Article 9 to address fraudulent filing.	Passed House Commerce Committee 3/11/20. Referred to House Public Safety & Criminal Justice Reform Finance and Policy Committee.
Minnesota	S4387	3/13/20	Companion bill to HB 4042. Adopts portions of the Hip-Pocket Amendments to UCC Article 9 to address fraudulent filing.	Assigned to Senate Judiciary and Public Safety and Finance Policy committees.
Mississippi	H1314	2/17/20	Amends the individual debtor name requirements for purposes of a financing statement in the state's version of UCC § 9-503(a)(4). The amendments provide that if the debtor furnishes a valid identification card issued by a federally recognized Indian tribe or band that contains a color photograph and the card holder's legal name (note - it is not clear from the text how a lender could make that determination), residence address and date of birth that has not expired, then the financing statement is sufficient if it provides the name of the individual indicated on such tribal identification card.	Passed the House 3/10/20.
Mississippi	S2375	2/13/20	Provides that liens against real property arising from assessments for unpaid city services fees shall expire after 7 years.	<b>FAILED.</b> Died in committee 3/3/20

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Mississippi	S2744	2/17/20	Amends the individual debtor name requirements for purposes of a financing statement in the state's version of UCC § 9-503(a)(4). The amendments provide that if the debtor furnishes a valid identification card issued by a federally recognized Indian tribe or band that contains a color photograph and the card holder's legal name (note – it is not clear from the text how a lender could make that determination), residence address and date of birth that has not expired, then the financing statement is sufficient if it provides the name of the individual indicated on such tribal identification card.	Passed Senate 3/12/20.
Missouri	S903	1/16/20	Enacts the Missouri Electricity Bill Reduction Assistance Act (MO-EBRA), which includes provisions for security interests in certain MO-EBRA property rights. A UCC financing statement filed to perfect such a security interest must specifically refer to the act in the collateral statement. This appears to be the House companion bill to SB 289, which was introduced last month. Committee assignment is pending.	Pending
Nebraska	L852	1/9/20	Amends the definition of "Farm Products" to include goats and hemp. In addition, the bill amends the state's bogus UCC filing statute in UCC § 9-513A to allow the secured party of record for a financing statement terminated under this section to file a notice of action to reinstate with the secretary of state. If no such notice is filed by the secured party, the secretary of state may remove the record from the searchable index.	Passed Banking, Commerce and Insurance Committee 2/6/20.
Nebraska	L909	1/10/20	Amendments adopted on 2/18/2020 would modify the fraudulent UCC filing provisions in UCC § 9-513A. The amendments provide that after the filing office terminates a financing statement as fraudulent, the secured party of record must notify the secretary of state of the filing of an action for reinstatement. In addition, if the secured party fails to timely file an action for reinstatement, the bill authorizes the secretary of state to remove the record from the index.	Further action is pending.
Nebraska	L910	1/10/20	Increases most business services fees charged by the secretary of state for UCC, EFS and business services. Provides for higher fees if a record is communicated to the filing office as a written record.	Passed Appropriations Committee 2/26/20.
New Hampshire	H1392 (2020)	1/8/20	Provides that no municipal tax collector or register of deeds shall accept or record any federal tax lien or other encumbrance upon property owned by a citizen of this state unless accompanied by an original order for distraint signed by the judge and clerk of the issuing court.	<b>FAILED.</b> Did not pass in House on 2/19/20.

<b>State</b>	<b>Bill</b>	<b>Introduced</b>	<b>Description</b>	<b>Status</b>
<b>New Jersey</b>	A102	1/14/20	Creates the Business Court, which would have jurisdiction with respect to business and commercial disputes involving contracts; the UCC; banking; insurance; commodities; securities; business entity matters;; intellectual property matters; and a wide range of other commercial disputes as provided by the court rules.	Assigned to Assembly Judiciary Committee.
<b>New Jersey</b>	A1420	1/14/20	Prohibits providers from extending business financing to a concern in the state that contains a judgment by confession. Under this bill, any contract for business financing that provides for a judgment by confession is invalid and unenforceable against any concern.	Assigned to Assembly Financial Institutions and Insurance Committee.
<b>New York</b>	A486	1/9/19	Provides for an employee's lien in favor of an employee with a wage claim against the real and personal property of the employer. A notice of the lien must be filed together with a UCC financing statement in the office designated by UCC § 9-501.	Passed Assembly Judiciary Committee 3/19/19 and was assigned to the Assembly Codes Committee. Substituted by SB 2844 on 6/17/19.
<b>New York</b>	A512	1/9/19	Provides for an environmental lien in favor of the state upon all real property of any person from whom the state may recover costs for any or all expenditures made by the state in accordance with certain state laws. A notice of such lien must be filed with the clerk of the county where the property is situated.	Assigned to Assembly Environmental Conservation Committee.
<b>New York</b>	A2593	1/24/19	Provides for a lien against the real and personal property of a commercial towing company for illegal or improper practices. The lien against personal property would be perfected by filing a notice and financing statement in the same manner as a UCC record.	Assigned to Assembly Judiciary Committee.
<b>New York</b>	A9008	1/10/20	Provides for an employee's lien in favor of an employee with a wage claim against the real and personal property of the employer. A notice of the lien must be filed together with a UCC financing statement in the office designated by UCC § 9-501. Appears similar to SB 2844, which was vetoed by the governor on 1/1/20.	Pending.
<b>New York</b>	A9095	1/17/20	Provides for reverse cooperative apartment loans. The bill includes an amendment to UCC § 9-611 that that requires the secured party to provide a special notice to the debtor before taking steps to dispose of the collateral.	Assigned to Assembly Banks Committee.

State	Bill	Introduced	Description	Status
New York	S2536	1/28/19	Provides for a lien against all real and personal property of a person who is responsible for the illegal disposal of waste. Notice of such lien is to be docketed with the county clerk.	Assigned to Senate Environmental Conservation Committee
New York	S2844	1/29/19	Provides for an employee's lien in favor of an employee with a wage claim against the real and personal property of the employer. A notice of the lien must be filed together with a UCC financing statement in the office designated by UCC § 9-501. Appears similar to AB 486.	<b>Failed.</b> Vetoed by governor on 1/1/20.
New York	S3902	2/21/19	Makes it a class E felony to knowingly file a false lien or encumbrance in a public record or private record that is generally available to the public against the real or personal property of a public officer or public employee on account of the performance of such public officer's or public employee's official duties, or with the intent to harass, intimidate or otherwise attempt to affect the actions of the public official or public employee, knowing or having reason to know that such lien or encumbrance is false or contains materially false, fictitious, or fraudulent statements or representations.	Assigned to Senate Codes Committee.
New York	S5470	5/1/19	Amends the financial services law regarding disclosures required in relation to commercial financing, including the purchase of accounts receivable.	Assigned to Senate Banks Committee.
New York	S6067	5/16/19	Provides for a lien against the real and personal property of a commercial towing company for illegal or improper practices. The lien against personal property would be perfected by filing a notice and financing statement in the same manner as a UCC record.	Assigned to Senate Judiciary Committee.
New York	S7256	1/14/20	Provides for an employee's lien in favor of an employee with a wage claim against the real and personal property of the employer. A notice of the lien must be filed together with a UCC financing statement in the office designated by UCC § 9-501.	Assigned to the Senate Judiciary Committee.
New York	S7513	1/28/20	Provides for reverse cooperative apartment loans. The bill includes an amendment to UCC § 9-611 that that requires the secured party to provide a special notice to the debtor before taking steps to dispose of the collateral. Appears the same as AB 9095.	Assigned to Senate Banks Committee.

State	Bill	Introduced	Description	Status
North Carolina	H46	2/12/19	Provides for employee wage lien perfected by filing with the county recorder against real property and with the secretary of state against personal property of the employer. Also increases minimum wage to \$15/hour by 2024.	Assigned to House Commerce Committee.
North Carolina	H624	4/8/19	Permits financing of storm recovery costs. Provides for a security interest in "storm recovery property" that is perfected by filing a UCC financing statement. The financing statement must refer in the collateral to the financing order. The secretary of state must maintain financing statements filed under this law in the same manner as "financing statement filed by transmitting utilities". Appears similar to SB 559.	Assigned to House Energy and Public Utilities Committee.
North Carolina	S137	2/26/19	Provides for employee wage lien perfected by filing with the county recorder against real property and with the secretary of state against personal property of the employer. Also increases minimum wage to \$15/hour by 2024. Appears similar to HB 46.	Pending.
North Carolina	S503	4/2/19	Provides statutory lien against real and personal property of employer for employee wage claims perfected by filing with the county recorder against real property and with the secretary of state against personal property of the employer.	Pending.
North Carolina	S559	4/2/19	Permits financing of storm recovery costs. Provides for a security interest in "storm recovery property" that is perfected by filing a UCC financing statement. The financing statement must refer in the collateral to the financing order. The secretary of state must maintain financing statements filed under this law in the same manner as "financing statement filed by transmitting utilities". Appears similar to HB 624.	House and Senate agreed to conference committee result on 10/31/19.
Ohio	H507	2/13/20	Prohibits enforcement of delinquent property tax liens against owner-occupied homesteads and to require that any delinquent tax be paid before the title to a homestead may be transferred.	Pending.
Ohio	S136	4/25/19	Provides for a lien against commercial real estate in favor of a licensed design professional for services provided under a written contract. Perfection requires filing an affidavit with the county recorder.	Pending.
Oklahoma	H1115	2/4/19	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.	Pending. Carry over to 2020.



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<b>Oklahoma</b>	S830	2/4/19	Requires the holder of a perfected security interest to pay any holder of a service lien prior to repossession of the collateral.	Assigned to Senate Judiciary Committee. Carry over to 2020.
<b>Rhode Island</b>	S2272	2/4/20	Prohibits the use of a dog or cat as security for its purchase where the seller or lender can repossess the dog or cat for failure to make payments.	Assigned to Senate Judiciary Committee.
<b>Rhode Island</b>	S2546	2/25/20	Provides for release of unperfected mechanic's lien by affidavit.	Assigned to Senate Labor Committee.
<b>South Carolina</b>	H4741	1/14/20	Provides that any provision in a homeowners association's governing documents granting the homeowners association the authority to foreclose on the property of a homeowners association member may not be enforced. However, a homeowners association may place a lien on the property for unpaid dues, fines, or other fees.	Assigned to House Labor, Commerce and Industry Committee.
<b>South Carolina</b>	H5010	1/22/20	Provides for renewal of judgment liens for an additional 10-year period.	Assigned to House Judiciary Committee.
<b>Tennessee</b>	H875	2/5/19	Provides that a real property owner who prevails in an action to challenge a lien and establishes, by clear and convincing evidence, that the person claiming the lien has acted with malice, may recover attorney fees, other fees, expenses and liquidated damages in the amount of \$100,000.	Pending. Carry over to 2020.
<b>Tennessee</b>	H1481	2/6/19	Extends to all residents of the state the same process for challenging potentially fraudulent UCC financing statements that is currently available to public officials.	Assigned to the House Commerce Committee. Carry over to 2020.
<b>Tennessee</b>	S682	2/5/19	Provides that a real property owner who prevails in an action to challenge a lien and establishes, by clear and convincing evidence, that the person claiming the lien has acted with malice, may recover attorney fees, other fees, expenses and liquidated damages in the amount of \$100,000.	Pending. Carry over to 2020.
<b>Tennessee</b>	S1271	2/7/19	Extends to all residents of the state the same process for challenging potentially fraudulent UCC financing statements that is currently available to public officials.	Assigned to Senate Commerce and Labor Committee. Carry over to 2020.

State	Bill	Introduced	Description	Status
Utah	H308	2/10/20	Extends the period of time during which the owner of property or other party affected by a pre-construction or construction lien may dispute the correctness or validity of the lien from 90 to 180 days.	Passed House 3/3/20. Passed Senate 3/10/20.
Virginia	H565 (2020)	1/8/20	Amends VA's version of UCC § 9-503(a)(4) to include other documents issued by the DMV as acceptable sources of an individual debtor name.	Tabled in House Transportation Committee 1/30/20.
Virginia	H1211	1/7/20	Removes citizenship and residency requirements to obtain a driver's license or special identification card and amends VA's version of UCC § 9-503(a)(4) to include such documents as acceptable sources of an individual debtor name.	Passed House 2/11/20. Passed Senate 2/26/20 and is awaiting conference committee.
Virginia	S34	1/8/20	Amends VA's version of UCC § 9-503(a)(4) to include other documents issued by the DMV as acceptable sources of an individual debtor name.	Passed Senate 2/11/20. Passed House 2/26/20 as substituted. Passed conference committee 3/7/20.
Washington	H1514	2/1/19	Establishes wage liens for unpaid wages due employees. The bill provides that wage liens against real property are perfected by recording a Claim of Wage Lien form with the applicable county and such liens against personal property are perfected by filing a Claim of Wage Lien form with the Department of Licensing. The bill also provides a Claim of Wage Lien form.	Passed House Labor and Workplace Standards Committee on 2/18/19. Assigned to House Appropriations Committee. Carry over to 2020.
Washington	H2193	1/13/20	Increases the surcharge for UCC records filed with the Department of Licensing from \$10 to \$15.	Assigned to the House Civil Rights and Judiciary Committee.
Washington	S6053	1/13/20	Establishes wage liens for unpaid wages due employees. The bill provides that wage liens against real property are perfected by recording a Claim of Wage Lien form with the applicable county and such liens against personal property are perfected by filing a Claim of Wage Lien form with the Department of Licensing. The bill also provides a Claim of Wage Lien form. This is similar to H1514 introduced in 2019.	Assigned to Senate Labor and Commerce Committee.
Washington	S6074	1/13/20	Increases the surcharge for UCC records filed with the Department of Licensing from \$10 to \$15.	<b>ENACTED</b> 3/18/20. Takes effect 90 days after adjournment.

State	Bill	Introduced	Description	Status
<b>Wisconsin</b>	A669	12/13/19	Creates provisions governing the determination of whether a breach of the peace occurs when collateral or leased goods are repossessed under the UCC, and creates immunity from liability for a person who repossesses vehicles under certain circumstances.	Tabled 2/20/20.
<b>Wyoming</b>	S139	2/13/20	Expands the definition of “delinquent taxpayer” to mean any person who has any responsibility to pay taxes, fees, penalties or interest on mineral production.	Passed Senate 2/27/20. Passed House as amended and Senate concurred on 3/11/20.