

1 ENGROSSED HOUSE AMENDMENT

2 TO

2 ENGROSSED SENATE BILL NO. 988

By: Reinhardt and Hall of the
Senate

3 and

4 Pfeiffer of the House

5

6

7 An Act relating to the Uniform Commercial Code;
amending 12A O.S. 2021, Sections 1-9-320.2, 1-9-
320.3, 1-9-320.4, 1-9-320.6, as amended by Section 1,
Chapter 109, O.S.L. 2022, and 1-9-525 (12A O.S. Supp.
2024, Section 1-9-320.6), which relate to secured
transactions; transferring certain authority from
Secretary of State to Oklahoma County Clerk;
directing Oklahoma County Clerk to take certain
actions; modifying certain filing procedures;
amending 28 O.S. 2021, Section 111, as amended by
Section 2, Chapter 109, O.S.L. 2022 (28 O.S. Supp.
2024, Section 111), which relates to fees to be
charged by Secretary of State; transferring certain
fees from Secretary of State to Oklahoma County
Clerk; updating statutory language; and providing a
conditional effective date.

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17 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
and insert:

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20 "An Act relating to the Uniform Commercial Code;
amending 12A O.S. 2021, Sections 1-9-320.2, 1-9-
320.3, 1-9-320.4, 1-9-320.6, as amended by Section 1,
Chapter 109, O.S.L. 2022, and 1-9-525 (12A O.S. Supp.
2024, Section 1-9-320.6), which relate to secured
transactions; transferring certain authority from
Secretary of State to Oklahoma County Clerk;
directing Oklahoma County Clerk to take certain
actions; modifying certain filing procedures;

24

1 amending 28 O.S. 2021, Section 111, as amended by
2 Section 2, Chapter 109, O.S.L. 2022 (28 O.S. Supp.
3 2024, Section 111), which relates to fees to be
4 charged by Secretary of State; transferring certain
5 fees from Secretary of State to Oklahoma County
6 Clerk; updating statutory language; and providing a
7 conditional effective date.

7 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

8 SECTION 1. AMENDATORY 12A O.S. 2021, Section 1-9-320.2,
9 is amended to read as follows:

10 Section 1-9-320.2.

11 DEFINITIONS; REQUISITES OF AN
12 EFFECTIVE FINANCING STATEMENT

13 As used in this section and Sections 1-9-320.1 through 1-9-320.7
14 of this title:

15 (a) "Buyer in the ordinary course of business" means a
16 person who, in the ordinary course of business, buys
17 farm products from a person engaged in farming
18 operations who is in the business of selling farm
19 products.

20 (b) "Central filing system" means a system for filing
21 effective financing statements on a statewide basis
22 and which has been certified by the Secretary of the
23 United States Department of Agriculture.

- (c) "Commission merchant" means any person engaged in the business of receiving any farm product for sale, on commission, or for or on behalf of another person.

(d) "Effective financing statement" means a statement that:

 - (i) is an original or reproduced form consistent with the provisions of this act and approved by the ~~Secretary of State~~ Oklahoma County Clerk;
 - (ii) is signed and filed with the ~~Secretary of State~~ Oklahoma County Clerk by the secured party;
 - (iii) ~~is signed by the debtor;~~
 - ~~(iv)~~ contains:
 - (A) the name and address of the secured party,
 - (B) the name and address of the person indebted to the secured party,
 - (C) the social security number of the debtor or, in the case of a debtor doing business other than as an individual, the Internal Revenue Service taxpayer identification number of such debtor,
 - (D) the farm product name,
 - (E) each county in this state where the farm product is produced or to be produced or a

1 blanket code covering all 77 Oklahoma
2 counties,

3 (F) a description of the farm products subject
4 to the security interest only if needed to
5 distinguish it from other such farm products
6 owned by the same person or persons but not
7 subject to the particular interest; and

8 (G) the crop year, unless every crop of the farm
9 product in question, for the duration of the
10 effective financing statement, is to be
11 subject to the particular security
12 interest.;

13 (v) (iv) must be amended in writing, within three
14 (3) months, similarly ~~signed and filed~~, to
15 reflect material changes;

16 (vi) (v) remains effective for a period of five (5)
17 years from the date of filing, subject to
18 extensions for additional periods of five (5)
19 years each by refiling or filing a continuation
20 statement within six (6) months before the
21 expiration of the initial five-year period;

22 (vii) (vi) is not removed from the public database but
23 is not reported as an active file when the
24 statement lapses on the expiration of the

1 effective period of the statement or when a
2 termination statement from the secured party is
3 accepted, whichever occurs first;

4 (viii) (vii) is accompanied by the requisite filing fee
5 provided for in Section 111 of Title 28 of the
6 Oklahoma Statutes; and

7 (ix) (viii) substantially complies with the
8 requirements of this paragraph even though it
9 contains minor errors that are not seriously
10 misleading.; and

11 (x) (ix) may reflect multiple products or products
12 in multiple counties.

13 (e) "Farm product" means an agricultural commodity such as
14 wheat, corn, soybeans, or a species of livestock such
15 as cattle, hogs, sheep, horses, or poultry used or
16 produced in farming operations, or a product of such
17 crop or livestock in its unmanufactured state (such as
18 ginned cotton, wool-clip, maple syrup, milk, and
19 eggs), that is in the possession of a person engaged
20 in farming operations.

21 (f) "Knows" or "knowledge" means actual knowledge.

22 (g) "Person" means any individual, partnership,
23 corporation, limited liability company, trust, or any
24 other business entity.

(h) "Security interest" means an interest in farm products that secures payment or performance of an obligation.

(i) "Selling agent" means any person, other than a commission merchant, who is engaged in the business of negotiating the sale and purchase of any farm product on behalf of a person engaged in farming operations.

(2) Unless otherwise provided for in this act, for purposes of this section and Sections 4 and 6 of this act, receipt of notice shall be presumed if notice is sent by first-class mail, postage paid.

SECTION 2. AMENDATORY 12A O.S. 2021, Section 1-9-320.3,

is amended to read as follows:

Section 1-9-320.3.

FORMS: DUTY OF SECRETARY OF STATE OKLAHOMA COUNTY CLERK

The Secretary of State Oklahoma County Clerk shall develop and

maintain a standard form for an effective financing statement and

for a statement of continuation, partial release, amendment, or

assignment thereof, which shall be consistent with the provisions of Sections 1-9-320.1 through 1-9-320.7 of this title.

SECTION 3. AMENDATORY 12A O.S. 2021, Section 1-9-320.4,

is amended to read as follows:

Section 1-9-320.4.

PROTECTION OF BUYERS OF FARM PRODUCTS,

COMMISSION MERCHANTS AND SELLING AGENTS

A buyer of farm products, commission merchant, or selling agent who purchases or sells farm products in the ordinary course of business from or for a person engaged in farming operations takes subject to a security interest in the farm products if:

(a) (i) the buyer of the farm products, commission merchant, or selling agent has failed to register with the ~~Secretary of State~~ Oklahoma County Clerk prior to the purchase of the farm products and the secured party has filed an effective financing statement that covers the farm products being sold; or

(ii) the buyer of farm products, commission merchant or selling agent receives from the ~~Secretary of State~~ Oklahoma County Clerk written notice as provided in paragraph (d) or (f) of subsection (4) of Section 1-9-320.6 of this title, and the buyer of farm products, commission merchant or selling agent does not secure a waiver or release of the security interest specified in an effective financing statement from the secured party by performing any payment obligation or otherwise; or

(b) the secured party or the seller provides written notice of the security interest pursuant to the provisions of Section 1-9-320.7 of this title.

1 SECTION 4. AMENDATORY 12A O.S. 2021, Section 1-9-320.6,
2 as amended by Section 1, Chapter 109, O.S.L. 2022 (12A O.S. Supp.
3 2024, Section 1-9-320.6), is amended to read as follows:

4 Section 1-9-320.6.

5 CENTRAL FILING SYSTEM RELATING TO FARM PRODUCTS

6 (1) The ~~Secretary of State~~ Oklahoma County Clerk shall be
7 responsible for developing and ~~implementing~~ maintaining the central
8 filing system. This responsibility shall include obtaining the
9 necessary certification for the system from the United States
10 Department of Agriculture ~~(USDA)~~ (USDA). The effective date for
11 the implementation of the central filing system ~~was October 24, 1988~~
12 shall be one hundred eighty (180) days from the certification of the
13 central filing system by the USDA.

14 (2) The ~~Secretary of State~~ Oklahoma County Clerk may
15 promulgate, in accordance with ~~the applicable provisions of the~~
16 ~~Administrative Procedures Act,~~ laws governing business within its
17 office, appropriate rules and practices of the filing office in
18 harmony with the rules and practices of filing offices in other
19 jurisdictions that enact substantially this part and to keep the
20 technology used by the filing office compatible with the technology
21 used by filing offices in other jurisdictions that enact
22 substantially this part. The Oklahoma County Clerk, so far as is
23 consistent with the purposes, policies, and provisions of this

1 article in adopting, amending, and repealing filing office rules,
2 shall:

- (a) consult with filing offices in other jurisdictions that enact substantially this part,
 - (b) consult the International Association of Commercial Administrators or any successor organization, and
 - (c) take into consideration the rules and practices of, and the technology used by, filing offices in other jurisdictions that enact substantially this part, for the implementation and operation of the central filing system.

(3) The Office of Management and Enterprise Services shall assist the Secretary of State in developing and implementing the central filing system.

15 (4) The central filing system shall conform to the following
16 requirements:

- (a) The ~~Secretary of State~~ Oklahoma County Clerk shall record the date and, hour, minute, and second of the filing of each effective financing statement;
 - (b) The ~~Secretary of State~~ Oklahoma County Clerk shall compile all effective financing statements into a master list:
 - (i) organized according to farm products;
 - (ii) arranged within each such product:

- (A) in alphabetical order according to the last name of the individual debtors or, in the case of debtors doing business other than as individuals, the first word in the name of the debtors;
 - (B) in numerical order according to the Social Security number of the individual debtors or, in the case of debtors doing business other than as individuals, the Internal Revenue Service taxpayer identification number of the debtors;
 - (C) geographically by county produced; and
 - (D) by crop year; and

(iii) containing the information provided for in subparagraph (iv) of paragraph (d) of Section 1-9-320.2 of this title;

(iv) ~~portions of the master list shall be available in hard copy, electronic formats, or via Internet download, and may be organized by other sorting methods in addition to the methods listed above.~~

ENGR. H. A. to ENGR. S. B. NO. 988

Page 10

1 register with the ~~Secretary of State~~ Oklahoma County
2 Clerk, on a form containing:

- 3 (i) the name and address of each registrant;
4
5 (ii) the information on the farm product or products
6 that the registrant is requesting;
7
8 (iii) the name of each county where the product is
9 produced or to be produced, or a blanket code
10 covering all seventy-seven (77) counties of this
11 state; and
12
13 (iv) an authorized signature.

14 (d) (i) A copy of those portions of the master list
15 covering the information requested by a
16 registrant shall be distributed to such
17 registrants by the ~~Secretary of State~~ Oklahoma
18 County Clerk on or before the last business day
19 of each month and shall be presumed to have been
20 received by the third business day of the
21 following month.

22 (ii) Registrants shall be deemed to be registered only
23 as to those portions of the master list for which
24 they register, and shall be deemed to have failed
to register and shall not be considered to be
registrants as to those portions for which they
do not register.

(iii) Registrants are subject only to security interests shown on the portions of the master list which they receive as a consequence of registration with the ~~Secretary of State~~ Oklahoma County Clerk.

(iv) If a particular security interest is shown on the master list, but was included since the last regular distribution of portions of the master list to registrants, registrants shall not be subject to that security interest;

(e) The duration of the registration with the ~~Secretary of State~~ Oklahoma County Clerk of a buyer of farm products, commission merchant, selling agent or other registrant shall be one (1) year from the effective date of the registration with the ~~Secretary of State~~ Oklahoma County Clerk.

(f) (i) Upon request, within twenty-four (24) hours of any inquiry, for information, the ~~Secretary of State~~ Oklahoma County Clerk shall provide verbal confirmation of the existence or nonexistence of any effective financing statement on file. By the close of the business day following the day on which the request was received, written confirmation of the existence of an effective

1 financing statement will be provided to buyers of
2 farm products, commission merchants, and selling
3 agents who have not registered, and others who
4 request it.

5 (ii) The state or political subdivision shall not be
6 liable if a loss or claim results from any
7 confirmation of the existence or nonexistence of
8 any effective financing statement on file in the
9 Office of the Secretary of State Oklahoma County
10 Clerk's office made in good faith by an employee
11 of the Office of the Secretary of State Oklahoma
12 County Clerk's office as required by the
13 provisions of this section.

14 (5) (4) The filing in the office of the Secretary of State
15 Oklahoma County Clerk under this section shall be in addition to the
16 filing requirements provided for in this article.

17 (6) (5) A financing or continuation statement covering farm
18 products that has not lapsed and which was filed pursuant to this
19 title between December 23, 1986, and October 24, 1988, inclusive,
20 and for which no written notice was furnished as provided in Section
21 1-9-320.7 of this title, shall become ineffective as to a buyer of
22 farm products, commission merchant or selling agent, unless the
23 secured party files an effective financing statement in the office
24 of the Secretary of State Oklahoma County Clerk.

1 (7) (6) An effective financing statement shall not be deemed
2 filed in accordance with the provisions of this section until all
3 fees authorized by Section 111 of Title 28 of the Oklahoma Statutes
4 relating to the filing of the statement are tendered to the
5 ~~Secretary of State~~ Oklahoma County Clerk.

6 (8) (7) The secured party shall file a termination statement
7 within twenty (20) days after there is no outstanding secured
8 obligation or commitment to make advances, incur obligations or
9 otherwise give value. The termination statement shall refer to the
10 unique document ID number. The secured party shall not be required
11 to file a termination statement if the debtor, in writing, addressed
12 to the secured party, requests that a termination not be filed. The
13 request shall be signed by the debtor or an authorized
14 representative and the request may be made at any time prior to the
15 expiration date of an effective financing statement set forth
16 herein. If the affected secured party fails to file a termination
17 statement as required by this subsection, the party shall be liable
18 to the ~~Secretary of State~~ Oklahoma County Clerk for Five Hundred
19 Dollars (\$500.00). In addition the affected secured party shall be
20 liable to the debtor for any loss caused to the debtor by the
21 failure to terminate the effective financing statement.

22 (9) (8) The ~~Attorney General~~ Oklahoma County District Attorney
23 shall be responsible for enforcing the provisions of subsection ~~(8)~~
24 (7) of this section on behalf of the ~~Secretary of State~~ Oklahoma

1 County Clerk and is authorized to take appropriate actions to
2 collect any penalties owed to the ~~Secretary of State Oklahoma County~~
3 Clerk pursuant to subsection ~~(8)~~ (7) of this section. When
4 collected, the Oklahoma County District Attorney General shall cause
5 the penalty to be deposited into the ~~Central Filing System Revolving~~
6 Fund Oklahoma County Clerk's Uniform Commercial Code Central Filing
7 Fund created pursuant to ~~Section 276.3 of Title 62 of the Oklahoma~~
8 ~~Statutes~~ Section 1-9-525.1 of Title 12A of the Oklahoma Statutes.

9 (9) As the purpose of an effective financing statement filing
10 is to ensure that a joint check is made payable to the debtor and
11 all applicable secured parties, there shall be no priority among
12 filings. Filings shall be processed according to the order in which
13 they were filed, as recorded in a timestamp within the filing.

14 (10) All active filings on the effective date of this act, as
15 provided in paragraph (1) of this section, shall be filed with the
16 Oklahoma County Clerk's office. Each active filing that is filed
17 pursuant to the requirements of this paragraph shall be accompanied
18 with a transition document that shall be provided by the Oklahoma
19 County Clerk's office. The Oklahoma County Clerk's office shall
20 charge no fee for active filings that are migrated to the system
21 maintained by the Oklahoma County Clerk.

22 SECTION 5. AMENDATORY 12A O.S. 2021, Section 1-9-525, is
23 amended to read as follows:

24 Section 1-9-525.

FEES

(a) Except as otherwise provided in subsection (e) of this section, the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection (c) of Section 1-9-502 of this title, is:

(1) Ten Dollars (\$10.00) if the record is communicated in writing and consists of one to five pages, and an additional One Dollar (\$1.00) per page for each page exceeding five; and

(2) Ten Dollars (\$10.00) if the record is communicated by an electronic medium authorized by filing-office rule.

(b) The number of names required to be indexed does not affect the amount of the fee in subsection (a) of this section.

(c) The fee for responding to a request for information from the filing office in any medium designated by the filing office, including issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is Ten Dollars (\$10.00) for each debtor.

(d) The fee for a copy of a record is One Dollar (\$1.00) per page regardless of the medium used.

(e) This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection (c) of Section 1-9-502 of this title. However, the recording and

1 satisfaction fees that otherwise would be applicable to the record
2 of the mortgage apply pursuant to paragraphs 1, 2, 4, 7, 11, 15 and
3 16 of subsection A of Section 32 of Title 28 of the Oklahoma
4 Statutes.

5 (f) The fee for providing certified copies shall be One Dollar
6 (\$1.00) per page regardless of medium.

7 (g) The fee for providing bulk data of indexed records as
8 described in subsection (f) of Section 1-9-523 of this title is as
9 follows:

10 (1) Five Hundred Dollars (\$500.00) for the initial database
11 history.

12 (2) Fifty Dollars (\$50.00) for weekly updates to the database.

13 (3) Four cents (\$0.04) per page for images of filed records.

14 (h) The filing office may accept payment for fees by automated
15 clearing house or by a nationally recognized debit or credit card.
16 If payment is made by a credit or debit card, the filing office may
17 add an amount equal to the amount of the service charge incurred for
18 the acceptance of the payment. The filing office may enter into
19 contracts for credit card processing services according to
20 applicable county purchasing laws ~~or may enter into agreements with~~
21 ~~the State Treasurer to participate in any credit card processing~~
22 ~~agreements entered into by the State Treasurer.~~

23 (i) In addition to the other fees provided by law, the Oklahoma
24 County Clerk shall, upon the effective date of the central filing

1 system provided for in Section 1-9-320.6 of this title, collect the
2 following fees:

3 (1) For filing an effective financing statement in the Oklahoma
4 County Clerk's office pursuant to Section 1-9-320.6 of this title,
5 Ten Dollars (\$10.00);

6 (2) For filing a continuation statement, partial release, or
7 assignment of or amendment to an effective financing statement filed
8 in the Oklahoma County Clerk's office pursuant to Section 1-9-320.6
9 of this title, Ten Dollars (\$10.00);

10 (3) For filing a termination statement for an effective
11 financing statement filed in the Oklahoma County Clerk's office
12 pursuant to Section 1-9-320.6 of this title, Ten Dollars (\$10.00);

13 (4) For registering a buyer of farm products, commission
14 merchant, selling agent, or other interested party as provided for
15 in Section 1-9-320.6 of this title, Fifty Dollars (\$50.00) per year.

16 The registration fee provided for in this paragraph shall not apply
17 if the buyer of farm products, commission merchant, selling agent,
18 or other interested party as provided for in Section 1-9-320.6 of
19 this title accesses the master list through Internet download;

20 (5) For distributing a copy of the master list or portions
21 thereof to registrants, as provided for in Section 1-9-320.6 of this
22 title, in accordance with the following fee schedule. Such fees may
23 be paid annually or semiannually:

24 (A) For information requested for five or fewer counties:

	<u>Number of Farm</u>	
2	<u>Products</u>	<u>Paper</u>
3	(i) <u>1 to 5 products</u>	<u>\$150 per year</u>
4	(ii) <u>6 to 10 products</u>	<u>\$200 per year</u>
5	(iii) <u>11 to 20 products</u>	<u>\$250 per year</u>
6	(iv) <u>over 20 products</u>	<u>\$300 per year</u>

7 (B) For information requested for six to twenty-five
 8 counties:

	<u>Number of Farm</u>	
10	<u>Products</u>	<u>Paper</u>
11	(i) <u>1 to 10 products</u>	<u>\$200 per year</u>
12	(ii) <u>11 to 20 products</u>	<u>\$250 per year</u>
13	(iii) <u>over 20 products</u>	<u>\$300 per year</u>

14 (C) For information requested for twenty-six to fifty
 15 counties:

	<u>Number of Farm</u>	
17	<u>Products</u>	<u>Paper</u>
18	(i) <u>1 to 10 products</u>	<u>\$250 per year</u>
19	(ii) <u>11 to 20 products</u>	<u>\$300 per year</u>
20	(iii) <u>over 20 products</u>	<u>\$350 per year</u>

21 (D) For information requested for over fifty counties:

	<u>Number of Farm</u>	
23	<u>Products</u>	<u>Paper</u>
24	(i) <u>1 to 10 products</u>	<u>\$300 per year</u>

1 (ii) 11 to 20 products\$350 per year

2 (iii) over 20 products\$400 per year;

3 (6) (A) The Oklahoma County Clerk is authorized to provide for
4 the distribution of the master list or portions
5 thereof to those persons specified in paragraph 5 of
6 this subsection through Internet download, electronic
7 data equipment, or other communication media in such
8 form and manner as is specified by the Oklahoma County
9 Clerk. The Oklahoma County Clerk shall not collect a
10 fee for distribution of the master list or portions
11 thereof through Internet download.

12 (B) The Oklahoma County Clerk is authorized to establish a
13 fee system for such transfer of information pursuant
14 to this paragraph. Such fee shall not exceed the
15 amount necessary to cover the costs of the Oklahoma
16 County Clerk in providing such transfer of
17 information.

18 (C) In providing for the transfer of the information
19 specified by this paragraph, the Oklahoma County Clerk
20 shall ensure the integrity of confidential information
21 through data security measures, internal controls, and
22 appropriate database management; and

1 (7) For issuing a written confirmation of the existence or
2 nonexistence of active effective financing statements on file for a
3 debtor in the Oklahoma County Clerk's office, Six Dollars (\$6.00).

4 (j) All fees shall be properly accounted for and shall be paid
5 to the Oklahoma County Clerk monthly. The fees generated by
6 subsection (i) of this section shall be deposited to the credit of
7 the Oklahoma County Clerk's Uniform Commercial Code Central Filing
8 Fund created pursuant to Section 1-9-525.1 of this title.

9 SECTION 6. AMENDATORY 28 O.S. 2021, Section 111, as
10 amended by Section 2, Chapter 109, O.S.L. 2022 (28 O.S. Supp. 2024,
11 Section 111), is amended to read as follows:

12 Section 111. A. In addition to other fees provided for by law,
13 the Secretary of State shall collect the following fees:

14 1. For affixing the certificate of the Secretary of State and
15 the seal of the State of Oklahoma, Ten Dollars (\$10.00);

16 2. For copying any paper or document, One Dollar (\$1.00) per
17 page, provided the minimum charge shall not be less than Two Dollars
18 (\$2.00);

19 3. For filing an effective financing statement in the Office of
20 the Secretary of State pursuant to Section 1-9-320.6 of Title 12A of
21 the Oklahoma Statutes, prior to the effective date of the central
22 filing system provided in Section 1-9-320.6 of Title 12A of the
23 Oklahoma Statutes, Ten Dollars (\$10.00);

1 4. For filing a continuation statement, partial release,
2 assignment of or amendment to an effective financing statement filed
3 in the Office of the Secretary of State pursuant to Section 1-9-
4 320.6 of Title 12A of the Oklahoma Statutes, prior to the effective
5 date of the central filing system provided in Section 1-9-320.6 of
6 Title 12A of the Oklahoma Statutes, Ten Dollars (\$10.00);

7 5. For filing a termination statement for an effective
8 financing statement filed in the Office of the Secretary of State
9 pursuant to Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, ,
10 prior to the effective date of the central filing system provided in
11 Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, Ten Dollars
12 (\$10.00);

13 6. For registering a buyer of farm products, commission
14 merchant, selling agent or other interested party as provided for in
15 Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, prior to
16 the effective date of the central filing system provided in Section
17 1-9-320.6 of Title 12A of the Oklahoma Statutes, Fifty Dollars
18 (\$50.00) per year. The registration fee provided for in this
19 paragraph shall not apply if the buyer of farm products, commission
20 merchant, selling agent, or other interested party as provided for
21 in Section 1-9-320.6 of Title 12A of the Oklahoma Statutes accesses
22 the master list through Internet download;

23 7. For distributing a copy of the master list or portions
24 thereof to registrants, as provided for in Section 1-9-320.6 of

1 Title 12A of the Oklahoma Statutes, prior to the effective date of
2 the central filing system provided in Section 1-9-320.6 of Title 12A
3 of the Oklahoma Statutes, in accordance with the following fee
4 schedule. Such fees may be paid annually or semiannually:

5 a. For information requested for five or less counties:

	Number of Farm	
	Products	Paper
(1)	1 to 5 products	\$150 per year
(2)	6 to 10 products	\$200 per year
(3)	11 to 20 products	\$250 per year
(4)	over 20 products	\$300 per year

12 b. For information requested for six to twenty-five
13 counties:

	Number of Farm	
	Products	Paper
(1)	1 to 10 products	\$200 per year
(2)	11 to 20 products	\$250 per year

19 c. For information requested for twenty-six to fifty
20 counties:

	Number of Farm	
	Products	Paper
(1)	1 to 10 products	\$250 per year
(2)	11 to 20 products	\$300 per year

(3) over 20 products \$350 per year

d. For information requested for over fifty counties:

Number of Farm

Products Paper

(1) 1 to 10 products \$300 per year

(2) 11 to 20 products \$350 per year

(3) over 20 products \$400 per year;

8. a. The Secretary of State, prior to the effective date of the central filing system provided in Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, is authorized to provide for the distribution of the master list or portions thereof to those persons specified in paragraph 7 of this subsection through Internet download, electronic data equipment, or other communication media in such form and manner as is specified by the Secretary of State. The Secretary of State shall not collect a fee for distribution of the master list or portions thereof through Internet download.

b. The Secretary of State, prior to the effective date of the central filing system provided in Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, is authorized to establish a fee system for such transfer of information pursuant to this paragraph. Such fee

1 shall not exceed the amount necessary to cover the
2 costs of the Secretary of State in providing such
3 transfer of information.

4 c. In providing for the transfer of the information
5 specified by this paragraph, the Secretary of State
6 shall ensure the integrity of confidential information
7 within the Office of the Secretary of State through
8 data security measures, internal controls and
9 appropriate data base management;

10 9. For issuing a written confirmation of the existence or
11 nonexistence of active effective financing statements on file for a
12 debtor in the Office of the Secretary of State, prior to the
13 effective date of the central filing system provided in Section 1-9-
14 320.6 of Title 12A of the Oklahoma Statutes, Six Dollars (\$6.00);

15 10. The Secretary of State shall collect a fee of Twenty-five
16 Dollars (\$25.00) for every apostille issued. For the purposes of
17 this paragraph, an apostille is a special certificate attached to a
18 public record, as required by the 1961 Hague Convention, Fed. R.
19 Civ. P. 44 (28 U.S.C.A.), to certify the authenticity of the
20 signature, the capacity in which the person signing the document has
21 acted and, where appropriate, the identity of the seal or stamp
22 which it bears; provided, however, a fee of Ten Dollars (\$10.00)
23 shall be collected for any apostille requested for an international

1 | adoption not to exceed One Hundred Dollars (\$100.00) for the
2 | adoption of each child; and

3 | 11. For each service rendered and not specified in this
4 | section, such fees as are allowed for similar services in other
5 | cases.

6 | B. All fees shall be properly accounted for and shall be paid
7 | into the State Treasury monthly. The fees generated by paragraphs
8 | 1, 2, 10 and 11 of subsection A of this section shall be deposited
9 | to the credit of the Revolving Fund for the Office of the Secretary
10 | of State created pursuant to Section 276.1 of Title 62 of the
11 | Oklahoma Statutes. The fees generated by paragraphs 3 through 9 of
12 | subsection A of this section and other fees collected by the central
13 | filing system shall be deposited to the credit of the Central Filing
14 | System Revolving Fund created pursuant to Section 276.3 of Title 62
15 | of the Oklahoma Statutes.

16 | SECTION 7. This act shall become effective one hundred eighty
17 | (180) days from the certification of the central filing system by
18 | the USDA, pursuant to the implementation effective date set forth in
19 | Section 1-9-320.6 of Title 12A of the Oklahoma Statutes. Upon the
20 | occurrence of such implementation, the Oklahoma County Clerk shall
21 | issue a formal notification to the President Pro Tempore of the
22 | Senate, the Speaker of the House of Representatives, the Governor,
23 | and the Secretary of State indicating that the contingency has been
24 | met and the amendments shall take effect."

Passed the House of Representatives the 30th day of April, 2025.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2025.

Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 988

By: Reinhardt and Hall of the
Senate

3 and

4 Pfeiffer of the House

5
6 An Act relating to the Uniform Commercial Code;
7 amending 12A O.S. 2021, Sections 1-9-320.2, 1-9-
8 320.3, 1-9-320.4, 1-9-320.6, as amended by Section 1,
9 Chapter 109, O.S.L. 2022, and 1-9-525 (12A O.S. Supp.
10 2024, Section 1-9-320.6), which relate to secured
11 transactions; transferring certain authority from
12 Secretary of State to Oklahoma County Clerk;
13 directing Oklahoma County Clerk to take certain
actions; modifying certain filing procedures;
14 amending 28 O.S. 2021, Section 111, as amended by
15 Section 2, Chapter 109, O.S.L. 2022 (28 O.S. Supp.
16 2024, Section 111), which relates to fees to be
17 charged by Secretary of State; transferring certain
18 fees from Secretary of State to Oklahoma County
19 Clerk; updating statutory language; and providing a
conditional effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 8. AMENDATORY 12A O.S. 2021, Section 1-9-320.2,

22 is amended to read as follows:

23 Section 1-9-320.2.

24 DEFINITIONS; REQUISITES OF AN

EFFECTIVE FINANCING STATEMENT

As used in this section and Sections 1-9-320.1 through 1-9-320.7
of this title:

- 1 (a) "Buyer in the ordinary course of business" means a
2 person who, in the ordinary course of business, buys
3 farm products from a person engaged in farming
4 operations who is in the business of selling farm
5 products.
- 6 (b) "Central filing system" means a system for filing
7 effective financing statements on a statewide basis
8 and which has been certified by the Secretary of the
9 United States Department of Agriculture.
- 10 (c) "Commission merchant" means any person engaged in the
11 business of receiving any farm product for sale, on
12 commission, or for or on behalf of another person.
- 13 (d) "Effective financing statement" means a statement
14 that:
- 15 (i) is an original or reproduced form consistent with
16 the provisions of this act and approved by the
17 Secretary of State Oklahoma County Clerk;
- 18 (ii) is signed and filed with the ~~Secretary of State~~
19 Oklahoma County Clerk by the secured party;
- 20 (iii) ~~is signed by the debtor~~;
- 21 (iv) contains:
22 (A) the name and address of the secured party,
23 (B) the name and address of the person indebted
24 to the secured party,

(C) the social security number of the debtor or, in the case of a debtor doing business other than as an individual, the Internal Revenue Service taxpayer identification number of such debtor,

(D) the farm product name,

(E) each county in this state where the farm product is produced or to be produced or a blanket code covering all 77 Oklahoma counties,

(F) a description of the farm products subject to the security interest only if needed to distinguish it from other such farm products owned by the same person or persons but not subject to the particular interest; and

(G) the crop year, unless every crop of the farm product in question, for the duration of the effective financing statement, is to be subject to the particular security interest.

(v) (iv) must be amended in writing, within three (3) months, similarly ~~signed and~~ filed, to reflect material changes;

(vi) (v) remains effective for a period of five (5) years from the date of filing, subject to

1 extensions for additional periods of five (5)
2 years each by refiling or filing a continuation
3 statement within six (6) months before the
4 expiration of the initial five-year period;
5 (vii) (vi) is not removed from the public database but
6 is not reported as an active files file when the
7 statement lapses on the expiration of the
8 effective period of the statement or when a
9 termination statement from the secured party is
10 accepted, whichever occurs first;
11 (viii) (vii) is accompanied by the requisite filing fee
12 provided for in Section 111 of Title 28 of the
13 Oklahoma Statutes; and
14 (ix) (viii) substantially complies with the
15 requirements of this paragraph even though it
16 contains minor errors that are not seriously
17 misleading.
18 (x) (ix) may reflect multiple products or products
19 in multiple counties.

20 (e) "Farm product" means an agricultural commodity such as
21 wheat, corn, soybeans, or a species of livestock such
22 as cattle, hogs, sheep, horses, or poultry used or
23 produced in farming operations, or a product of such
24 crop or livestock in its unmanufactured state (such as

1 ginned cotton, wool-clip, maple syrup, milk, and
2 eggs), that is in the possession of a person engaged
3 in farming operations.

- 4 (f) "Knows" or "knowledge" means actual knowledge.
5 (g) "Person" means any individual, partnership,
6 corporation, limited liability company, trust, or any
7 other business entity.
8 (h) "Security interest" means an interest in farm products
9 that secures payment or performance of an obligation.
10 (i) "Selling agent" means any person, other than a
11 commission merchant, who is engaged in the business of
12 negotiating the sale and purchase of any farm product
13 on behalf of a person engaged in farming operations.

14 (2) Unless otherwise provided for in this act, for purposes of
15 this section and Sections 4 and 6 of this act, receipt of notice
16 shall be presumed if notice is sent by first-class mail, postage
17 prepaid.

18 SECTION 9. AMENDATORY 12A O.S. 2021, Section 1-9-320.3,
19 is amended to read as follows:

20 Section 1-9-320.3.

21 FORMS; DUTY OF ~~SECRETARY OF STATE~~ OKLAHOMA COUNTY CLERK

22 The ~~Secretary of State~~ Oklahoma County Clerk shall develop and
23 maintain a standard form for an effective financing statement and
24 for a statement of continuation, partial release, amendment, or

1 assignment thereof, which shall be consistent with the provisions of
2 Sections 1-9-320.1 through 1-9-320.7 of this title.

3 SECTION 10. AMENDATORY 12A O.S. 2021, Section 1-9-320.4,

4 is amended to read as follows:

5 Section 1-9-320.4.

6 PROTECTION OF BUYERS OF FARM PRODUCTS,

7 COMMISSION MERCHANTS AND SELLING AGENTS

8 A buyer of farm products, commission merchant, or selling agent
9 who purchases or sells farm products in the ordinary course of
10 business from or for a person engaged in farming operations takes
11 subject to a security interest in the farm products if:

12 (a) (i) the buyer of the farm products, commission merchant,
13 or selling agent has failed to register with the
14 ~~Secretary of State Oklahoma County Clerk~~ prior to the
15 purchase of the farm products and the secured party
16 has filed an effective financing statement that covers
17 the farm products being sold; or

18 (ii) the buyer of farm products, commission merchant or
19 selling agent receives from the ~~Secretary of State~~
20 Oklahoma County Clerk written notice as provided in
21 paragraph (d) or (f) of subsection (4) of Section 1-9-
22 320.6 of this title, and the buyer of farm products,
23 commission merchant or selling agent does not secure a
24 waiver or release of the security interest specified

1 in an effective financing statement from the secured
2 party by performing any payment obligation or
3 otherwise; or

4 (b) the secured party or the seller provides written notice of
5 the security interest pursuant to the provisions of Section
6 1-9-320.7 of this title.

7 SECTION 11. AMENDATORY 12A O.S. 2021, Section 1-9-320.6,
8 as amended by Section 1, Chapter 109, O.S.L. 2022 (12A O.S. Supp.
9 2024, Section 1-9-320.6), is amended to read as follows:

10 Section 1-9-320.6.

11 CENTRAL FILING SYSTEM RELATING TO FARM PRODUCTS

12 (1) The ~~Secretary of State~~ Oklahoma County Clerk shall be
13 responsible for developing and ~~implementing~~ maintaining the central
14 filing system. This responsibility shall include obtaining the
15 necessary certification for the system from the United States
16 Department of Agriculture (~~"USDA"~~) (USDA). The effective date for
17 the implementation of the central filing system ~~was October 24, 1988~~
18 shall be one hundred eighty (180) days from the certification of the
19 central filing system by the USDA.

20 (2) The ~~Secretary of State~~ Oklahoma County Clerk may
21 promulgate, in accordance with ~~the applicable provisions of the~~
22 ~~Administrative Procedures Act,~~ laws governing business within its
23 office, appropriate rules and practices of the filing office in
24 harmony with the rules and practices of filing offices in other

1 jurisdictions that enact substantially this part and to keep the
2 technology used by the filing office compatible with the technology
3 used by filing offices in other jurisdictions that enact
4 substantially this part. The Oklahoma County Clerk, so far as is
5 consistent with the purposes, policies, and provisions of this
6 article in adopting, amending, and repealing filing office rules,
7 shall:

- 8 (a) consult with filing offices in other jurisdictions
9 that enact substantially this part,
- 10 (b) consult the International Association of Commercial
11 Administrators or any successor organization, and
- 12 (c) take into consideration the rules and practices of,
13 and the technology used by, filing offices in other
14 jurisdictions that enact substantially this part, for
15 the implementation and operation of the central filing
16 system.

17 (3) ~~The Office of Management and Enterprise Services shall~~
18 ~~assist the Secretary of State in developing and implementing the~~
19 ~~central filing system.~~

20 (4) The central filing system shall conform to the following
21 requirements:

- 22 (a) The ~~Secretary of State~~ Oklahoma County Clerk shall
23 record the date and, hour, minute, and second of the
24 filing of each effective financing statement;

(b) The ~~Secretary of State~~ Oklahoma County Clerk shall compile all effective financing statements into a master list:

- (i) organized according to farm products;
 - (ii) arranged within each such product:
 - (A) in alphabetical order according to the last name of the individual debtors or, in the case of debtors doing business other than as individuals, the first word in the name of the debtors;
 - (B) in numerical order according to the Social Security number of the individual debtors or, in the case of debtors doing business other than as individuals, the Internal Revenue Service taxpayer identification number of the debtors;
 - (C) geographically by county produced; and
 - (D) by crop year; and
 - iii) containing the information provided for in subparagraph (iv) of paragraph (d) of Section 1-9-320.2 of this title;
 - (iv) portions of the master list shall be available in hard copy, electronic formats, or via Internet

1 ~~download, and may be organized by other sorting~~
2 ~~methods in addition to the methods listed above.~~

- 3 (c) The ~~Secretary of State~~ Oklahoma County Clerk shall
4 maintain records of all buyers of farm products,
5 commission merchants, selling agents and others who
6 register with the Secretary of State, on a form
7 containing:
8 (i) the name and address of each registrant;
9 (ii) the information on the farm product or products
10 that the registrant is requesting;
11 (iii) the name of each county where the product is
12 produced or to be produced, or a blanket code
13 covering all seventy-seven (77) counties of this
14 state; and
15 (iv) an authorized signature.

- 16 (d) (i) A copy of those portions of the master list
17 covering the information requested by a
18 registrant shall be distributed to such
19 registrants by the ~~Secretary of State~~ Oklahoma
20 County Clerk on or before the last business day
21 of each month and shall be presumed to have been
22 received by the third business day of the
23 following month.

(ii) Registrants shall be deemed to be registered only as to those portions of the master list for which they register, and shall be deemed to have failed to register and shall not be considered to be registrants as to those portions for which they do not register.

(iii) Registrants are subject only to security interests shown on the portions of the master list which they receive as a consequence of registration with the ~~Secretary of State~~ Oklahoma County Clerk.

(iv) If a particular security interest is shown on the master list, but was included since the last regular distribution of portions of the master list to registrants, registrants shall not be subject to that security interest;

(e) The duration of the registration with the Secretary of State of a buyer of farm products, commission merchant, selling agent or other registrant shall be one (1) year from the effective date of the registration with the ~~Secretary of State~~ Oklahoma County Clerk.

(f) (i) Upon request, within twenty-four (24) hours of any inquiry, for information, the ~~Secretary of~~

1 State Oklahoma County Clerk shall provide verbal
2 confirmation of the existence or nonexistence of
3 any effective financing statement on file. By
4 the close of the business day following the day
5 on which the request was received, written
6 confirmation of the existence of an effective
7 financing statement will be provided to buyers of
8 farm products, commission merchants, and selling
9 agents who have not registered, and others who
10 request it.

11 (ii) The state or political subdivision shall not be
12 liable if a loss or claim results from any
13 confirmation of the existence or nonexistence of
14 any effective financing statement on file in the
15 Office of the Secretary of State Oklahoma County
16 Clerk's office made in good faith by an employee
17 of the Office of the Secretary of State Oklahoma
18 County Clerk's office as required by the
19 provisions of this section.

20 (5) (4) The filing in the office of the Secretary of State
21 Oklahoma County Clerk under this section shall be in addition to the
22 filing requirements provided for in this article.

23 (6) (5) A financing or continuation statement covering farm
24 products that has not lapsed and which was filed pursuant to this

1 title between December 23, 1986, and October 24, 1988, inclusive,
2 and for which no written notice was furnished as provided in Section
3 1-9-320.7 of this title, shall become ineffective as to a buyer of
4 farm products, commission merchant or selling agent, unless the
5 secured party files an effective financing statement in the office
6 of the ~~Secretary of State~~ Oklahoma County Clerk.

7 (7) (6) An effective financing statement shall not be deemed
8 filed in accordance with the provisions of this section until all
9 fees authorized by Section 111 of Title 28 of the Oklahoma Statutes
10 relating to the filing of the statement are tendered to the
11 ~~Secretary of State~~ Oklahoma County Clerk.

12 (8) (7) The secured party shall file a termination statement
13 within twenty (20) days after there is no outstanding secured
14 obligation or commitment to make advances, incur obligations or
15 otherwise give value. The termination statement shall refer to the
16 unique document ID number. The secured party shall not be required
17 to file a termination statement if the debtor, in writing, addressed
18 to the secured party, requests that a termination not be filed. The
19 request shall be signed by the debtor or an authorized
20 representative and the request may be made at any time prior to the
21 expiration date of an effective financing statement set forth
22 herein. If the affected secured party fails to file a termination
23 statement as required by this subsection, the party shall be liable
24 to the ~~Secretary of State~~ Oklahoma County Clerk for Five Hundred

1 Dollars (\$500.00). In addition the affected secured party shall be
2 liable to the debtor for any loss caused to the debtor by the
3 failure to terminate the effective financing statement.

4 ~~(9) (8) The Attorney General Oklahoma County District Attorney~~
5 shall be responsible for enforcing the provisions of subsection ~~(8)~~
6 ~~(7)~~ of this section on behalf of the ~~Secretary of State Oklahoma~~
7 ~~County Clerk~~ and is authorized to take appropriate actions to
8 collect any penalties owed to the ~~Secretary of State Oklahoma County~~
9 ~~County Clerk~~ pursuant to subsection ~~(8) (7)~~ of this section. When
10 collected, the ~~Oklahoma County District Attorney General~~ shall cause
11 the penalty to be deposited into the ~~Central Filing System Revolving~~
12 ~~Fund Oklahoma County Clerk's Uniform Commercial Code Central Filing~~
13 ~~Fund~~ created pursuant to ~~Section 276.3 of Title 62 of the Oklahoma~~
14 ~~Statutes~~ Section 1-9-525.1 of Title 12A of the Oklahoma Statutes.

15 (9) As the purpose of an effective financing statement filing
16 is to ensure that a joint check is made payable to the debtor and
17 all applicable secured parties, there shall be no priority among
18 filings. Filings shall be processed according to the order in which
19 they were filed, as recorded in a timestamp within the filing.

20 (10) All active filings on the effective date of this act, as
21 provided in paragraph (1) of this section, shall be filed with the
22 Oklahoma County Clerk's office. Each active filing that is filed
23 pursuant to the requirements of this paragraph shall be accompanied
24 with a transition document that shall be provided by the Oklahoma

1 County Clerk's office. The Oklahoma County Clerk's office shall
2 charge no fee for active filings that are migrated to the system
3 maintained by the Oklahoma County Clerk.

SECTION 12. AMENDATORY 12A O.S. 2021, Section 1-9-525,

5 | is amended to read as follows:

Section 1-9-525.

FEES

8 (a) Except as otherwise provided in subsection (e) of this
9 section, the fee for filing and indexing a record under this part,
10 other than an initial financing statement of the kind described in
11 subsection (c) of Section 1-9-502 of this title, is:

12 (1) Ten Dollars (\$10.00) if the record is communicated in
13 writing and consists of one to five pages, and an additional One
14 Dollar (\$1.00) per page for each page exceeding five; and

15 (2) Ten Dollars (\$10.00) if the record is communicated by an
16 electronic medium authorized by filing-office rule.

17 (b) The number of names required to be indexed does not affect
18 the amount of the fee in subsection (a) of this section.

19 (c) The fee for responding to a request for information from
20 the filing office in any medium designated by the filing office,
21 including issuing a certificate showing whether there is on file any
22 financing statement naming a particular debtor, is Ten Dollars
23 (\$10.00) for each debtor.

1 (d) The fee for a copy of a record is One Dollar (\$1.00) per
2 page regardless of the medium used.

3 (e) This section does not require a fee with respect to a
4 record of a mortgage which is effective as a financing statement
5 filed as a fixture filing or as a financing statement covering as-
6 extracted collateral or timber to be cut under subsection (c) of
7 Section 1-9-502 of this title. However, the recording and
8 satisfaction fees that otherwise would be applicable to the record
9 of the mortgage apply pursuant to paragraphs 1, 2, 4, 7, 11, 15 and
10 16 of subsection A of Section 32 of Title 28 of the Oklahoma
11 Statutes.

12 (f) The fee for providing certified copies shall be One Dollar
13 (\$1.00) per page regardless of medium.

14 (g) The fee for providing bulk data of indexed records as
15 described in subsection (f) of Section 1-9-523 of this title is as
16 follows:

17 (1) Five Hundred Dollars (\$500.00) for the initial database
18 history.

19 (2) Fifty Dollars (\$50.00) for weekly updates to the database.

20 (3) Four cents (\$0.04) per page for images of filed records.

21 (h) The filing office may accept payment for fees by automated
22 clearing house or by a nationally recognized debit or credit card.
23 If payment is made by a credit or debit card, the filing office may
24 add an amount equal to the amount of the service charge incurred for

1 the acceptance of the payment. The filing office may enter into
2 contracts for credit card processing services according to
3 applicable county purchasing laws ~~or may enter into agreements with~~
4 ~~the State Treasurer to participate in any credit card processing~~
5 ~~agreements entered into by the State Treasurer.~~

6 (i) In addition to the other fees provided by law, the Oklahoma
7 County Clerk shall, upon the effective date of the central filing
8 system provided for in Section 1-9-320.6 of this title, collect the
9 following fees:

10 (1) For filing an effective financing statement in the Oklahoma
11 County Clerk's office pursuant to Section 1-9-320.6 of this title,
12 Ten Dollars (\$10.00);

13 (2) For filing a continuation statement, partial release, or
14 assignment of or amendment to an effective financing statement filed
15 in the Oklahoma County Clerk's office pursuant to Section 1-9-320.6
16 of this title, Ten Dollars (\$10.00);

17 (3) For filing a termination statement for an effective
18 financing statement filed in the Oklahoma County Clerk's office
19 pursuant to Section 1-9-320.6 of this title, Ten Dollars (\$10.00);

20 (4) For registering a buyer of farm products, commission
21 merchant, selling agent, or other interested party as provided for
22 in Section 1-9-320.6 of this title, Fifty Dollars (\$50.00) per year.
23 The registration fee provided for in this paragraph shall not apply
24 if the buyer of farm products, commission merchant, selling agent,

1 or other interested party as provided for in Section 1-9-320.6 of

2 this title accesses the master list through Internet download;

3 (5) For distributing a copy of the master list or portions

4 thereof to registrants, as provided for in Section 1-9-320.6 of this

5 title, in accordance with the following fee schedule. Such fees may

6 be paid annually or semiannually:

7 (A) For information requested for five or fewer counties:

8 Number of Farm

9 Products

9 Paper

10 (i) 1 to 5 products\$150 per year

11 (ii) 6 to 10 products\$200 per year

12 (iii) 11 to 20 products\$250 per year

13 (iv) over 20 products\$300 per year

14 (B) For information requested for six to twenty-five
15 counties:

16 Number of Farm

17 Products

17 Paper

18 (i) 1 to 10 products\$200 per year

19 (ii) 11 to 20 products\$250 per year

20 (iii) over 20 products\$300 per year

21 (C) For information requested for twenty-six to fifty
22 counties:

23 Number of Farm

24 Products

24 Paper

- 1 (i) 1 to 10 products\$250 per year
2 (ii) 11 to 20 products\$300 per year
3 (iii) over 20 products\$350 per year

4 (D) For information requested for over fifty counties:

5 Number of Farm

- 6 Products Paper
7 (i) 1 to 10 products\$300 per year
8 (ii) 11 to 20 products\$350 per year
9 (iii) over 20 products\$400 per year;

10 (6) (A) The Oklahoma County Clerk is authorized to provide for
11 the distribution of the master list or portions
12 thereof to those persons specified in paragraph 5 of
13 this subsection through Internet download, electronic
14 data equipment, or other communication media in such
15 form and manner as is specified by the Oklahoma County
16 Clerk. The Oklahoma County Clerk shall not collect a
17 fee for distribution of the master list or portions
18 thereof through Internet download.

19 (B) The Oklahoma County Clerk is authorized to establish a
20 fee system for such transfer of information pursuant
21 to this paragraph. Such fee shall not exceed the
22 amount necessary to cover the costs of the Oklahoma
23 County Clerk in providing such transfer of
24 information.

1 (C) In providing for the transfer of the information
2 specified by this paragraph, the Oklahoma County Clerk
3 shall ensure the integrity of confidential information
4 through data security measures, internal controls, and
5 appropriate database management; and

6 (7) For issuing a written confirmation of the existence or
7 nonexistence of active effective financing statements on file for a
8 debtor in the Oklahoma County Clerk's office, Six Dollars (\$6.00).

9 (j) All fees shall be properly accounted for and shall be paid
10 to the Oklahoma County Clerk monthly. The fees generated by
11 subsection (i) of this section shall be deposited to the credit of
12 the Oklahoma County Clerk's Uniform Commercial Code Central Filing
13 Fund created pursuant to Section 1-9-525.1 of this title.

14 SECTION 13. AMENDATORY 28 O.S. 2021, Section 111, as
15 amended by Section 2, Chapter 109, O.S.L. 2022 (28 O.S. Supp. 2024,
16 Section 111), is amended to read as follows:

17 Section 111. A. In addition to other fees provided for by law,
18 the Secretary of State shall collect the following fees:

- 19 1. For affixing the certificate of the Secretary of State and
20 the seal of the State of Oklahoma, Ten Dollars (\$10.00);
21 2. For copying any paper or document, One Dollar (\$1.00) per
22 page, provided the minimum charge shall not be less than Two Dollars
23 (\$2.00);

1 3. For filing an effective financing statement in the Office of
2 the Secretary of State pursuant to Section 1-9-320.6 of Title 12A of
3 the Oklahoma Statutes, prior to the effective date of the central
4 filing system provided in Section 1-9-320.6 of Title 12A of the
5 Oklahoma Statutes, Ten Dollars (\$10.00);

6 4. For filing a continuation statement, partial release,
7 assignment of or amendment to an effective financing statement filed
8 in the Office of the Secretary of State pursuant to Section 1-9-
9 320.6 of Title 12A of the Oklahoma Statutes, prior to the effective
10 date of the central filing system provided in Section 1-9-320.6 of
11 Title 12A of the Oklahoma Statutes, Ten Dollars (\$10.00);

12 5. For filing a termination statement for an effective
13 financing statement filed in the Office of the Secretary of State
14 pursuant to Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, prior
15 to the effective date of the central filing system provided in
16 Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, Ten Dollars
17 (\$10.00);

18 6. For registering a buyer of farm products, commission
19 merchant, selling agent or other interested party as provided for in
20 Section 1-9-320.6 of Title 12A of the Oklahoma Statutes, prior to
21 the effective date of the central filing system provided in Section
22 1-9-320.6 of Title 12A of the Oklahoma Statutes, Fifty Dollars
23 (\$50.00) per year. The registration fee provided for in this
24 paragraph shall not apply if the buyer of farm products, commission

1 merchant, selling agent, or other interested party as provided for
2 in Section 1-9-320.6 of Title 12A of the Oklahoma Statutes accesses
3 the master list through Internet download;

4 7. For distributing a copy of the master list or portions
5 thereof to registrants, as provided for in Section 1-9-320.6 of
6 Title 12A of the Oklahoma Statutes, prior to the effective date of
the central filing system provided in Section 1-9-320.6 of Title 12A
of the Oklahoma Statutes, in accordance with the following fee
schedule. Such fees may be paid annually or semiannually:

10 a. For information requested for five or less counties:

11 Number of Farm

12 Products Paper

- 13 (1) 1 to 5 products\$150 per year
14 (2) 6 to 10 products\$200 per year
15 (3) 11 to 20 products\$250 per year
16 (4) over 20 products\$300 per year

17 b. For information requested for six to twenty-five
18 counties:

19 Number of Farm

20 Products Paper

- 21 (1) 1 to 10 products\$200 per year
22 (2) 11 to 20 products\$250 per year
23 (3) over 20 products\$300 per year

1 c. For information requested for twenty-six to fifty
2 counties:

3 Number of Farm

4 Products Paper

5 (1) 1 to 10 products\$250 per year

6 (2) 11 to 20 products\$300 per year

7 (3) over 20 products\$350 per year

8 d. For information requested for over fifty counties:

9 Number of Farm

10 Products Paper

11 (1) 1 to 10 products\$300 per year

12 (2) 11 to 20 products\$350 per year

13 (3) over 20 products\$400 per year;

14 8. a. The Secretary of State, prior to the effective date of
15 the central filing system provided in Section 1-9-
16 320.6 of Title 12A of the Oklahoma Statutes, is
17 authorized to provide for the distribution of the
18 master list or portions thereof to those persons
19 specified in paragraph 7 of this subsection through
20 Internet download, electronic data equipment, or other
21 communication media in such form and manner as is
22 specified by the Secretary of State. The Secretary of
23 State shall not collect a fee for distribution of the

1 master list or portions thereof through Internet
2 download.

3 b. The Secretary of State, prior to the effective date of
4 the central filing system provided in Section 1-9-
5 320.6 of Title 12A of the Oklahoma Statutes, is
6 authorized to establish a fee system for such transfer
7 of information pursuant to this paragraph. Such fee
8 shall not exceed the amount necessary to cover the
9 costs of the Secretary of State in providing such
10 transfer of information.

11 c. In providing for the transfer of the information
12 specified by this paragraph, the Secretary of State
13 shall ensure the integrity of confidential information
14 within the Office of the Secretary of State through
15 data security measures, internal controls and
16 appropriate data base management;

17 9. For issuing a written confirmation of the existence or
18 nonexistence of active effective financing statements on file for a
19 debtor in the Office of the Secretary of State, prior to the
20 effective date of the central filing system provided in Section 1-9-
21 320.6 of Title 12A of the Oklahoma Statutes, Six Dollars (\$6.00);

22 10. The Secretary of State shall collect a fee of Twenty-five
23 Dollars (\$25.00) for every apostille issued. For the purposes of
24 this paragraph, an apostille is a special certificate attached to a

1 public record, as required by the 1961 Hague Convention, Fed. R.
2 Civ. P. 44 (28 U.S.C.A.), to certify the authenticity of the
3 signature, the capacity in which the person signing the document has
4 acted and, where appropriate, the identity of the seal or stamp
5 which it bears; provided, however, a fee of Ten Dollars (\$10.00)
6 shall be collected for any apostille requested for an international
7 adoption not to exceed One Hundred Dollars (\$100.00) for the
8 adoption of each child; and

9 11. For each service rendered and not specified in this
10 section, such fees as are allowed for similar services in other
11 cases.

12 B. All fees shall be properly accounted for and shall be paid
13 into the State Treasury monthly. The fees generated by paragraphs
14 1, 2, 10 and 11 of subsection A of this section shall be deposited
15 to the credit of the Revolving Fund for the Office of the Secretary
16 of State created pursuant to Section 276.1 of Title 62 of the
17 Oklahoma Statutes. The fees generated by paragraphs 3 through 9 of
18 subsection A of this section and other fees collected by the central
19 filing system shall be deposited to the credit of the Central Filing
20 System Revolving Fund created pursuant to Section 276.3 of Title 62
21 of the Oklahoma Statutes.

22 SECTION 14. This act shall become effective one hundred eighty
23 (180) days from the certification of the central filing system by
24 the USDA, pursuant to the implementation effective date set forth in

1 Section 1-9-320.6 of Title 12A of the Oklahoma Statutes. Upon the
2 occurrence of such implementation, the Oklahoma County Clerk shall
3 issue a formal notification to the President Pro Tempore of the
4 Senate, the Speaker of the House of Representatives, the Governor,
5 and the Secretary of State indicating that the contingency has been
6 met and the amendments shall take effect.

7 Passed the Senate the 12th day of March, 2025.

8

9 Presiding Officer of the Senate

10

11 Passed the House of Representatives the ____ day of _____,
12 2025.

13

14 Presiding Officer of the House
15 of Representatives