

SENATE BILL No. 346

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-1-18-3; IC 23-2-1-19.5; IC 23-4-1; IC 23-5-1-10.1; IC 23-16-12-4; IC 23-17-29-3; IC 23-18-12-3; IC 26-1-9-401.

Synopsis: Secretary of state fees and penalties. Reduces various fees charged by the secretary of state. Increases from \$5,000 to \$10,000 the maximum civil penalty that may be imposed by the securities commissioner for violations of the securities regulation provisions. Reduces certain fees charged for filing Uniform Commercial Code documents filed with the secretary of state.

Effective: July 1, 1998; January 1, 1999.

Mills, Nugent

January 8, 1998, read first time and referred to Committee on Commerce and Consumer Affairs.

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Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE BILL No. 346



A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 23-1-18-3, AS AMENDED BY P.L.11-1996,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 1999]: Sec. 3. (a) The secretary of state shall collect the
4 following fees when the documents described in this subsection are
5 delivered to the secretary of state for filing:

	Document	Fee
6		
7	(1) Articles of incorporation	\$90 \$25
8	(2) Application for use of	
9	indistinguishable name	\$20 \$15
10	(3) Application for reserved name	\$20 \$15
11	(4) Notice of transfer of reserved name	\$20 \$15
12	(5) Application for registered	
13	name	\$30 \$15
14	(6) Application for renewal of	
15	registered name	\$30 \$15
16	(7) Corporation's statement of change	
17	of registered agent or registered	



1	office or both	No Fee
2	(8) Agent's statement of change of	
3	registered office for each	
4	affected corporation	No Fee
5	(9) Agent's statement of	
6	resignation	No Fee
7	(10) Amendment of articles of	
8	incorporation	\$30 \$15
9	(11) Restatement of articles of	
10	incorporation	\$30 \$15
11	With amendment of articles	\$30 \$15
12	(12) Articles of merger or share	
13	exchange	\$90 \$15
14	(13) Articles of dissolution	\$30 \$15
15	(14) Articles of revocation of	
16	dissolution	\$30 \$15
17	(15) Certificate of administrative	
18	dissolution	No Fee
19	(16) Application for reinstatement	
20	following administrative	
21	dissolution	\$30 \$15
22	(17) Certificate of reinstatement	No Fee
23	(18) Certificate of judicial dissolution	No Fee
24	(19) Application for certificate of	
25	authority	\$90 \$25
26	(20) Application for amended certificate	
27	of authority	\$30 \$15
28	(21) Application for certificate of	
29	withdrawal	\$30 \$15
30	(22) Certificate of revocation of	
31	authority to transact business	No Fee
32	(23) Biennial report	\$30 \$15
33	(24) Articles of correction	\$30 \$15
34	(25) Application for certificate of	
35	existence or authorization	\$15
36	(26) Any other document required or	
37	permitted to be filed by this	
38	article, including an application	
39	for any other certificates or	
40	certification certificate (except	
41	for any such other certificates	
42	that the secretary of state may	

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1 determine to issue without
 2 additional fee in connection with
 3 particular filings) and a request
 4 for other facts of record under
 5 section ~~9(b)(6)~~ **9(b)(7)** of this chapter ~~\$30~~ **\$15**
 6 (b) The fee set forth in subsection (a)(23) for filing a biennial
 7 report is fifteen dollars (\$15), ~~per year~~, to be paid biennially.
 8 (c) The secretary of state shall collect a fee of ten dollars (\$10)
 9 each time process is served on the secretary of state under this article.
 10 If the party to a proceeding causing service of process prevails in the
 11 proceeding, then that party is entitled to recover this fee as costs from
 12 the nonprevailing party.
 13 (d) The secretary of state shall collect the following fees for
 14 copying and certifying the copy of any filed document relating to a
 15 domestic or foreign corporation:
 16 (1) Per page for copying ~~\$1~~ **\$0.50**
 17 (2) For a certification stamp \$15
 18 SECTION 2. IC 23-2-1-19.5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 19.5. (a) If the
 20 commissioner determines, after a hearing, that any person has violated
 21 this chapter, the commissioner may, in addition to or in lieu of all other
 22 remedies, impose a civil penalty upon any person who has violated this
 23 chapter. This penalty may not exceed ~~five ten~~ thousand dollars
 24 (~~\$5,000~~) **(\$10,000)** for each violation of this chapter found to have
 25 been committed. An appeal from the decision of the commissioner
 26 imposing a civil penalty under this subsection may be taken by any
 27 aggrieved party pursuant to section 20 of this chapter.
 28 (b) The commissioner may bring any action in the circuit or
 29 superior court of Marion County to enforce payment of any penalty
 30 imposed under subsection (a).
 31 (c) Penalties collected under this section shall be deposited in the
 32 securities division enforcement account established under section 15(c)
 33 of this chapter.
 34 SECTION 3. IC 23-4-1-45, AS AMENDED BY P.L.34-1997,
 35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JANUARY 1, 1999]: Sec. 45. (a) To qualify as a limited liability
 37 partnership, a partnership under this chapter must do the following:
 38 (1) File a registration with the secretary of state in a form
 39 determined by the secretary of state that satisfies the following:
 40 (A) Is signed by one (1) or more partners authorized to sign
 41 the registration.
 42 (B) States the name of the limited liability partnership,

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1 which must:

2 (i) contain the words "Limited Liability Partnership" or
3 the abbreviation "L.L.P." or "LLP" as the last words or
4 letters of the name; and

5 (ii) be distinguishable upon the records of the secretary
6 of state from the name of a limited liability partnership
7 registered to transact business in Indiana.

8 (C) States the address of the partnership's principal office.

9 (D) States the name of the partnership's registered agent and
10 the address of the partnership's registered office for service
11 of process as required to be maintained by section 50 of this
12 chapter.

13 (E) Contains a brief statement of the business in which the
14 partnership engages.

15 (F) States any other matters that the partnership determines
16 to include.

17 (G) States that the filing of the registration is evidence of
18 the partnership's intention to act as a limited liability
19 partnership.

20 (2) File a ~~ninety twenty-five~~ dollar (~~\$90~~) (**\$25**) registration fee
21 with the registration.

22 (b) The secretary of state shall grant limited liability partnership
23 status to any partnership that submits a completed registration with the
24 required fee.

25 (c) Registration is effective and a partnership becomes a limited
26 liability partnership on the date a registration is filed with the secretary
27 of state or at any later date or time specified in the registration. The
28 registration remains effective until it is voluntarily withdrawn by filing
29 with the secretary of state a written withdrawal notice under section
30 45.2 of this chapter.

31 (d) The status of a partnership as a limited liability partnership and
32 the liability of a partner of a limited liability partnership is not
33 adversely affected by errors or subsequent changes in the information
34 stated in a registration under subsection (a).

35 (e) A registration on file with the secretary of state is notice that
36 the partnership is a limited liability partnership and is notice of all
37 other facts set forth in the registration.

38 SECTION 4. IC 23-4-1-45.1, AS ADDED BY P.L.34-1997,
39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JANUARY 1, 1999]: Sec. 45.1. (a) As used in this section, "limited
41 liability partnership" refers to a:

42 (1) limited liability partnership; or

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1 (2) foreign limited liability partnership;
2 as defined in section 2 of this chapter.

3 (b) The registration of a limited liability partnership may be
4 amended by filing in the office of the secretary of state a certificate of
5 amendment executed by at least one (1) partner authorized to execute
6 an amendment to the registration.

7 (c) A certificate of amendment must contain the following:

- 8 (1) The name of the limited liability partnership.
9 (2) The date the registration was filed.
10 (3) The amendment to the registration.

11 (d) A certificate of amendment must be accompanied by a ~~thirty~~
12 **fifteen** dollar ~~(\$30)~~ **(\$15)** filing fee.

13 (e) Subject to subsection (f), the registration of a limited liability
14 partnership may be amended at any time.

15 (f) An amended registration must contain only provisions that may
16 be lawfully contained in the registration when the amendment is made.

17 SECTION 5. IC 23-4-1-45.2, AS ADDED BY P.L.34-1997,
18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 1999]: Sec. 45.2. (a) As used in this section, "limited
20 liability partnership" refers to a:

- 21 (1) limited liability partnership; or
22 (2) foreign limited liability partnership;
23 as defined in section 2 of this chapter.

24 (b) The registration of a limited liability partnership may be
25 withdrawn by filing in the office of the secretary of state a withdrawal
26 notice executed by at least one (1) partner authorized to execute a
27 withdrawal notice.

28 (c) A withdrawal notice must contain the following:

- 29 (1) The name of the limited liability partnership.
30 (2) The date the registration was filed.
31 (3) A brief statement regarding the reason for filing the
32 withdrawal notice.
33 (4) Any other information considered appropriate by the limited
34 liability partnership.

35 (d) A withdrawal notice must be accompanied by a ~~thirty~~ **fifteen**
36 dollar ~~(\$30)~~ **(\$15)** filing fee.

37 (e) The withdrawal notice is effective and the partnership ceases
38 to be a limited liability partnership on the date a withdrawal notice is
39 filed with the secretary of state or at any later date or time specified in
40 the notice.

41 SECTION 6. IC 23-4-1-45.3, AS ADDED BY P.L.34-1997,
42 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



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1 JANUARY 1, 1999]: Sec. 45.3. (a) The exclusive right to use a name
 2 of a limited liability partnership or foreign limited liability partnership
 3 may be reserved by the following:

4 (1) A person intending to organize a limited liability partnership
 5 under this article and to adopt that name.

6 (2) A limited liability partnership or any foreign limited liability
 7 partnership registered in Indiana that, in either case, intends to
 8 change its name to that name.

9 (3) A foreign limited liability partnership intending to register in
 10 Indiana and use that name in Indiana.

11 (4) A person intending to organize a foreign limited liability
 12 partnership and intending to have it registered in Indiana and use
 13 that name in Indiana.

14 (b) An applicant may reserve a specified name by filing with the
 15 secretary of state an application executed by the applicant specifying
 16 the name to be reserved and the name and the address of the applicant,
 17 along with a ~~twenty~~ **fifteen** dollar (~~\$20~~) (**\$15**) fee. If the secretary of
 18 state finds that the name is available for use by the applicant, the
 19 secretary of state shall reserve the name for the exclusive use of the
 20 applicant for a period of one hundred twenty (120) days. After
 21 reserving a name, the same applicant may reserve the same name for
 22 successive periods of one hundred twenty (120) days.

23 (c) The exclusive right to use a reserved name may be transferred
 24 to another person by filing in the office of the secretary of state a notice
 25 of the transfer, executed by the applicant who reserved the name to be
 26 transferred and the name and address of the transferee.

27 SECTION 7. IC 23-4-1-49, AS AMENDED BY P.L.34-1997,
 28 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 1999]: Sec. 49. (1) Before transacting business in this
 30 state, a foreign limited liability partnership shall do the following:

31 (a) Comply with any statutory or administrative registration or
 32 filing requirements governing the specific type of business in
 33 which the partnership is engaged.

34 (b) File a registration with the secretary of state in a form
 35 determined by the secretary of state that satisfies the following:

36 (I) Is signed at least by one (1) partner authorized to sign the
 37 registration.

38 (II) States the name of the limited liability partnership
 39 which must contain the words "Limited Liability
 40 Partnership" or the abbreviation "L.L.P." or "LLP" or other
 41 similar words or abbreviations as may be required or
 42 authorized by the laws of the jurisdiction where the

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- 1 partnership is registered as the last words or letters of the
 2 name.
 3 (III) States the jurisdiction in which the partnership is
 4 registered as a limited liability partnership.
 5 (IV) States the address of the partnership's principal office.
 6 (V) States the name of the partnership's registered agent and
 7 the address of the partnership's registered office for service
 8 of process as required to be maintained by section 50 of this
 9 chapter.
 10 (VI) Contains a brief statement of the business in which the
 11 partnership engages.
 12 (VII) States any other matters that the partnership
 13 determines to include.
 14 (VIII) States that the filing of the registration is evidence of
 15 the partnership's intention to act as a limited liability
 16 partnership.
 17 (c) File a ~~ninety twenty-five~~ **twenty-five** dollar (~~\$90~~) (**\$25**) registration fee
 18 with the registration.
 19 (2) The secretary of state shall permit a foreign limited liability
 20 partnership that:
 21 (a) submits a completed registration;
 22 (b) submits the required ~~ninety twenty-five~~ **twenty-five** dollars (~~\$90~~); (**\$25**);
 23 and
 24 (c) otherwise complies with this chapter;
 25 to transact business in the state. A registration remains effective until
 26 the registration is voluntarily withdrawn under section 45.2 of this
 27 chapter.
 28 (3) The internal affairs of foreign limited liability partnerships,
 29 including the liability of partners for debts, obligations, and liabilities
 30 of or chargeable to the partnership or a partner or partners, are subject
 31 to and governed by the laws of the jurisdiction in which the foreign
 32 limited liability partnership is registered.
 33 SECTION 8. IC 23-5-1-10.1, AS ADDED BY P.L.34-1997,
 34 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 1999]: Sec. 10.1. (a) As used in this section, "trust"
 36 means a:
 37 (1) domestic business trust; or
 38 (2) foreign business trust;
 39 as defined in section 2 of this chapter.
 40 (b) Each trust authorized to transact business in Indiana shall
 41 deliver a biennial report to the secretary of state for filing that sets forth
 42 the following:



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- 1 (1) The name of the trust and the state or country under whose
- 2 law the trust is created.
- 3 (2) The address of the trust’s registered office and the name of
- 4 its registered agent at that office in Indiana.
- 5 (3) The address of the trust’s principal office.
- 6 (c) When a biennial report is filed, it must be accompanied by the
- 7 following:
- 8 (1) A verified list of the names and addresses of the trustees of
- 9 the business trust.
- 10 (2) Executed copies of all amendments to:
- 11 (A) the original trust instrument; and
- 12 (B) amendments to the trust instrument that:
- 13 (i) were adopted not later than December 31 of the
- 14 preceding year; and
- 15 (ii) have not been filed under section 7 of this chapter.
- 16 (3) A fee of fifteen dollars (\$15) ~~per year~~ to be paid biennially.
- 17 (d) Information in the biennial report must be current as of the date
- 18 the biennial report is executed on behalf of the trust.
- 19 (e) The first biennial report must be delivered to the secretary of
- 20 state in the second year following the calendar year in which a
- 21 domestic business trust was created or a foreign business trust was
- 22 authorized to transact business. The biennial report is due during the
- 23 same month as the month in which the trust was created or authorized
- 24 to transact business.
- 25 (f) Subsequent biennial reports must be delivered to the secretary
- 26 of state every second year following the year in which the last biennial
- 27 report was filed. The secretary of state may accept reports during the
- 28 two (2) months before the month that they are due.
- 29 (g) If a biennial report does not contain the information required
- 30 by this section, the secretary of state shall promptly notify the reporting
- 31 trust in writing and return the report to it for correction. If the report is
- 32 corrected to contain the information required by this section and
- 33 delivered to the secretary of state within thirty (30) days after the
- 34 effective date of notice, it is considered to be timely filed.
- 35 SECTION 9. IC 23-16-12-4 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 4. (a) The
- 37 secretary of state shall collect the following fees when the documents
- 38 described in this section are delivered by a domestic or foreign limited
- 39 partnership or a foreign limited liability company to the secretary of
- 40 state for filing:
- 41 Document Fee
- 42 (1) Application for reservation of name ~~\$20~~ **\$15**

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- 1 (2) Application for use of indistinguishable
- 2 name \$20 **\$15**
- 3 (3) Application for renewal of reservation \$20 **\$15**
- 4 (4) Notice of transfer or cancellation of
- 5 reservation \$20 **\$15**
- 6 (5) Certificate of change of registered agent's
- 7 business address No fee
- 8 (6) Certificate of resignation of agent No fee
- 9 (7) Certificate of limited partnership ~~\$90~~ **\$25**
- 10 (8) Certificate of amendment ~~\$30~~ **\$15**
- 11 (9) Certificate of cancellation ~~\$90~~ **\$15**
- 12 (10) Restated certificate of limited partnership
- 13 or registration ~~\$30~~ **\$15**
- 14 (11) Restated certificate of limited partnership
- 15 or registration with amendments ~~\$30~~ **\$15**
- 16 (12) Application for registration ~~\$90~~ **\$25**
- 17 (13) Certificate of change of application ~~\$30~~ **\$15**
- 18 (14) Certificate of cancellation of
- 19 registration ~~\$30~~ **\$15**
- 20 (15) Certificate of change of registered agent No fee
- 21 (16) Application for certificate of existence or
- 22 authorization \$15
- 23 (17) Any other document required or permitted to be
- 24 filed under this article, including an application
- 25 for any other certificates or certification
- 26 certificate (except for any such other certificates
- 27 that the secretary of state may determine to issue
- 28 without additional fee in connection with particular
- 29 filings) ~~\$30~~ **\$15**
- 30 (b) The secretary of state shall collect a fee of ten dollars (\$10)
- 31 each time process is served on the secretary of state under this article.
- 32 If the party to a proceeding causing service of process prevails in the
- 33 proceeding, then that party is entitled to recover this fee as costs from
- 34 the nonprevailing party.
- 35 (c) The secretary of state shall collect the following fees for
- 36 copying and certifying the copy of any filed document relating to a
- 37 domestic or foreign limited partnership:
- 38 (1) Per page for copying \$ + **\$0.50**
- 39 (2) For a certification stamp \$15
- 40 SECTION 10. IC 23-17-29-3 IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 3. (a) The
- 42 secretary of state shall collect the following fees when the following

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	DOCUMENT	FEE
1	documents are delivered for filing:	
2		
3	(1) Articles of Incorporation	\$30 \$25
4	(2) Application for use of	
5	indistinguishable name	\$20 \$15
6	(3) Application for reserved name	\$20 \$15
7	(4) Notice of transfer of reserved name	\$20 \$15
8	(5) Application for registered name	\$30 \$15
9	(6) Application for renewal of	
10	registered name	\$30 \$15
11	(7) Corporation's statement of change	
12	of registered agent or registered	
13	office or both	no fee
14	(8) Agent's statement of change of	
15	registered office for each	
16	affected corporation	no fee
17	(9) Agent's statement of resignation	no fee
18	(10) Amendment of articles of	
19	incorporation	\$30 \$15
20	(11) Restatement of articles of	
21	incorporation with amendments	\$30 \$15
22	(12) Articles of merger	\$30 \$15
23	(13) Articles of dissolution	\$30 \$15
24	(14) Articles of revocation of	
25	dissolution	\$30 \$15
26	(15) Certificate of administrative	
27	dissolution	no fee
28	(16) Application for reinstatement	
29	following administrative	
30	dissolution	\$30 \$15
31	(17) Certificate of reinstatement	no fee
32	(18) Certificate of judicial dissolution	no fee
33	(19) Application for certificate of	
34	authority	\$30 \$15
35	(20) Application for amended certificate	
36	of authority	\$30 \$15
37	(21) Application for certificate of	
38	withdrawal	\$30 \$15
39	(22) Certificate of revocation of	
40	authority to transact business	no fee
41	(23) Annual report	\$10
42	(24) Articles of correction	\$30 \$15



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- 1 (25) Certificate of existence \$15
- 2 (26) Any other document required or
- 3 permitted to be filed by this
- 4 article **\$30 \$15**
- 5 (b) The secretary of state shall collect a fee of ten dollars (\$10)
- 6 upon being served with process under this article. The party to a
- 7 proceeding causing service of process may recover the fee paid the
- 8 secretary of state as costs if the party prevails in the proceeding.
- 9 (c) The secretary of state shall collect the following fees for
- 10 copying and certifying the copy of any filed document relating to a
- 11 domestic or foreign corporation:
- 12 (1) ~~One dollar (\$1)~~ **Fifty cents (\$0.50)** a page for copying.
- 13 (2) Fifteen dollars (\$15) for the certification stamp.
- 14 SECTION 11. IC 23-18-12-3, AS AMENDED BY P.L.11-1996,
- 15 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JANUARY 1, 1999]: Sec. 3. (a) The secretary of state shall collect the
- 17 following fees when the documents described in this section are
- 18 delivered for filing:
- 19 Document Fee
- 20 (1) Articles of organization ~~\$90~~ **\$25**
- 21 (2) Application for use of
- 22 indistinguishable name ~~\$20~~ **\$15**
- 23 (3) Application for reservation of name ~~\$20~~ **\$15**
- 24 (4) Application for renewal of
- 25 reservation ~~\$20~~ **\$15**
- 26 (5) Notice of transfer or cancellation
- 27 of reservation ~~\$20~~ **\$15**
- 28 (6) Certificate of change of registered
- 29 agent's business address No Fee
- 30 (7) Certificate of resignation of
- 31 agent No Fee
- 32 (8) Articles of amendment ~~\$30~~ **\$15**
- 33 (9) Restatement of articles of
- 34 organization ~~\$30~~ **\$15**
- 35 (10) Articles of dissolution ~~\$30~~ **\$15**
- 36 (11) Application for certificate of
- 37 authority ~~\$90~~ **\$25**
- 38 (12) Application for amended
- 39 certificate of authority ~~\$30~~ **\$15**
- 40 (13) Application for certificate of
- 41 withdrawal ~~\$30~~ **\$15**
- 42 (14) Application for reinstatement

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- 1 following administrative dissolution ~~\$30~~ **\$15**
- 2 (15) Articles of correction ~~\$30~~ **\$15**
- 3 (16) Certificate of change of
- 4 registered agent No Fee
- 5 (17) Application for certificate of
- 6 existence or authorization \$15
- 7 (18) Biennial report ~~\$30~~ **\$15**
- 8 (19) Any other document required or
- 9 permitted to be filed under this article ~~\$30~~ **\$15**
- 10 (b) The fee set forth in subsection (a)(18) for filing a biennial
- 11 report is fifteen dollars (\$15), ~~per year~~, to be paid biennially.
- 12 (c) The secretary of state shall collect a fee of \$10 each time
- 13 process is served on the secretary of state under this article. If the party
- 14 to a proceeding causing service of process prevails in the proceeding,
- 15 that party is entitled to recover this fee as costs from the nonprevailing
- 16 party.
- 17 (d) The secretary of state shall collect the following fees for
- 18 copying and certifying the copy of any filed documents relating to a
- 19 domestic or foreign limited liability company:
- 20 (1) ~~One dollar (\$1)~~ **Fifty cents (\$0.50)** per page for copying.
- 21 (2) Fifteen dollars (\$15) for certification stamp.
- 22 SECTION 12. IC 26-1-9-401, AS AMENDED BY
- 23 P.L.253-1997(SS), SECTION 25, IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 401. (1) The proper
- 25 place to file in order to perfect a security interest is as follows:
- 26 (a) When the collateral is consumer goods, equipment used in
- 27 farming operations, or farm products, or accounts or general
- 28 intangibles arising from or relating to the sale of farm products
- 29 by a farmer, or consumer goods, then in the office of the county
- 30 recorder in the county of the debtor's residence or if the debtor
- 31 is not a resident of this state then in the office of the county
- 32 recorder in the county where the goods are kept, and in addition
- 33 when the collateral is crops, growing or to be grown, in the office
- 34 of the county recorder in the county where the land is located.
- 35 (b) When the collateral is timber to be cut or is minerals or the
- 36 like (including oil and gas) or accounts subject to
- 37 IC 26-1-9-103(5), or when the financing statement is filed as a
- 38 fixture filing (IC 26-1-9-313) and the collateral is goods which
- 39 are or are to become fixtures, then in the office where a
- 40 mortgage on the real estate would be filed or recorded.
- 41 (c) In all other cases, in the office of the secretary of state.
- 42 (2) A filing which is made in good faith in an improper place or

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1 not in all of the places required by this section is nevertheless effective
 2 with regard to any collateral as to which the filing complied with the
 3 requirements of IC 26-1-9 and is also effective with regard to collateral
 4 covered by the financing statement against any person who has
 5 knowledge of the contents of such financing statement.

6 (3) A filing which is made in the proper place in this state
 7 continues effective even though the debtor's residence or place of
 8 business or the location of the collateral or its use, whichever
 9 controlled the original filing, is thereafter changed.

10 (4) The rules stated in IC 26-1-9-103 determine whether filing is
 11 necessary in this state.

12 (5) For the purposes of this section, the residence of an
 13 organization is its place of business if it has one or its chief executive
 14 office if it has more than one (1) place of business.

15 (6) From amounts collected by the secretary of state from and in
 16 connection with filings and requests under IC 26-1 there shall be paid
 17 from the general fund, as the primary source of such payment, all valid
 18 judgments recovered or to be recovered against county or state filing
 19 officers or their employees for failure to properly file or furnish correct
 20 information in connection with a request made as to filings and record
 21 searches under the filing system of the Uniform Commercial Code.
 22 Judgments payable under this section shall be paid if the attorney
 23 general is served with a copy of the summons in the original action and
 24 given an opportunity to defend; or, if he is not served, only upon
 25 motion and de novo hearing without jury trial made to the court
 26 rendering the judgment after service of notice thereof upon the attorney
 27 general, and after the court enters findings and judgment showing the
 28 amount properly payable under IC 26-1. Any affected party or the
 29 attorney general may appeal from the original or the judgment entered
 30 pursuant to the motion. Not more than one hundred thousand dollars
 31 (\$100,000) shall be paid from amounts collected by the secretary of
 32 state in any fiscal year.

33 (7) A document described in subsection (8), ~~(9)~~, **(10), (11)** or (12)
 34 must be in the standard form prescribed by the secretary of state to be
 35 accepted for filing.

36 (8) **The secretary of state shall charge a fee for filing each of the**
 37 **following is four dollars (\$4) for filing, or indexing where**
 38 **appropriate, each of the following:**

39 (a) **Original financing statements if filed with the secretary of**
 40 **state: and original financing statements indicating an**
 41 **assignment.**

42 (b) Continuation statements.

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- 1 (c) Separate statements of assignment.
- 2 (d) Separate amendments of any of the foregoing.
- 3 (e) Lists of creditors and schedules of property ~~filed with the~~
- 4 ~~secretary of state~~ for entry in the bulk sale file.
- 5 ~~(f) Partial releases, if filed with the county recorder:~~
- 6 ~~(g) (f) Lis pendens and other filings under the Uniform~~
- 7 ~~Commercial Code filing systems.~~
- 8 **A fee may not be charged for the filing of a termination statement.**
- 9 **(9) The fee for any of the following services performed by the**
- 10 **secretary of state is one dollar (\$1):**
- 11 **(a) Each debtor name researched under IC 26-1-9-407.**
- 12 **(b) Furnishing a filing officer's document under**
- 13 **IC 26-1-9-407(2).**
- 14 **(10) The fee for filing each of the following documents with the**
- 15 **county recorder is four dollars (\$4):**
- 16 **(a) Continuation statements.**
- 17 **(b) Separate statements of assignment.**
- 18 **(c) Separate amendments of an original financing statement,**
- 19 **continuation statement, or separate statement of assignment.**
- 20 **(d) Partial releases.**
- 21 **(e) Lis pendens and other filings under the Uniform**
- 22 **Commercial Code filing systems.**
- 23 ~~(9)~~ **If the document is: (a) filed (11) The fee for filing an original**
- 24 **financing statement with the county recorder and (b) a financing**
- 25 **statement; the fee for filing the document is eight dollars (\$8), which**
- 26 **includes a prepaid release fee of four dollars (\$4).**
- 27 ~~(10)~~ **(12) An additional fee of one dollar (\$1) shall be paid to the**
- 28 **county recorder for each of the following that is filed or indexed**
- 29 **with the county recorder or furnished by the county recorder:**
- 30 **(a) Filing and indexing** A financing statement indicating an
- 31 **assignment.**
- 32 **(b) Filing and indexing** A financing statement that is subject to
- 33 **IC 26-1-9-402(4) or any of the documents described in**
- 34 **subsection (1) or (11) that is filed in the fixture file.**
- 35 **(c) Indexing** Each name after the first, including trade names.
- 36 **(d) Furnishing filing data regarding any document.**
- 37 **(e) Furnishing a filing officer's document under**
- 38 **IC 26-1-9-407(2). plus fifty cents (\$0.50) for each financing**
- 39 **statement and for each statement of assignment listed on the**
- 40 **filing officer's document.**
- 41 ~~(11)~~ **(13) An additional fee of fifty cents (\$0.50) shall be paid for**
- 42 **the following:**

COPY



- 1 (a) ~~Filing any of the foregoing described in subsection (8) or (9)~~
- 2 ~~in the fixture file. Each statement listed on the filing officer's~~
- 3 ~~document under IC 26-1-9-407(2).~~
- 4 (b) Each page of a copy of a document.
- 5 ~~(12) No filing fee shall be charged for the filing of termination~~
- 6 ~~statements.~~

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