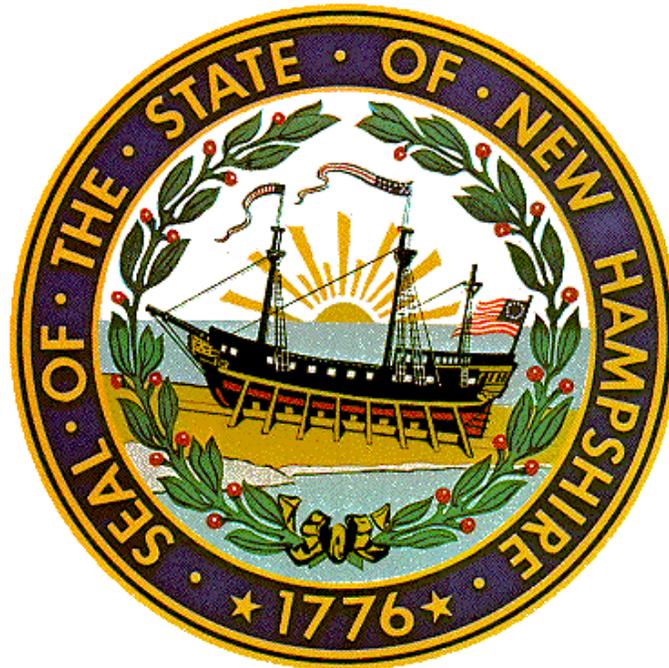


State of New Hampshire  
Department of State

# Uniform Commercial Code Proposed Filing Office Rules

To Be Adopted Pursuant to N.H. RSA 382-A:526

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Table of Contents	Page No.
<b>Section 1. General Provisions</b>	1
100 Purpose and Scope	1
101 Definitions	1
102 Means to deliver UCC records; time of filing	3
103 Search request delivery	4
104 Filing office identification	4
105 Office hours	4
106 Forms	4
107 Fees	4
108 Expedited services	5
109 Methods of payment	5
110 Overpayment and underpayment policies	5
111 Public records services	6
112 Fees for public records services	6
<b>Section 2. Acceptance and Refusal of Records</b>	6
200 Duties of filing office ministerial	6
201 Time for filing a continuation statement	6
202 Grounds for refusal	6
203 Procedure upon refusal	6
204 Refusal errors	7
<b>Section 3. UCC Information Management System</b>	7
300 General	7
301 Primary data elements	7
302 Individual debtor	8
303 Organization debtor names	9
304 Collateral being administered by a Decedent's Personal Representative	9
305 Collateral held in a Trust	9
306 Initial financing statement	10
307 Amendments generally	10
308 Continuation statement	11
309 Termination	11
310 Information statement	11
311 Filing office statement	11
312 Procedure upon lapse	11
313 Removal of record	11
<b>Section 4. Filing and Data Entry Procedures</b>	11
400 Errors of the filing office	11
401 Data entry	12
402 Verification and data entry	12
403 Notice of bankruptcy	12
404 Social Security numbers not to filed or disclosed	12
405 Fraudulent filings	12

Table of Contents (cont.)	Page No.
<b>Section 5. Search Requests and Reports</b>	12
500 General requirements	12
501 Search requests – required information	13
502 Search requests – optional information	13
503 Search methodology	13
504 Changes in standard search logic	15
505 Search responses	15
<b>Section 6. Other Notices of Liens</b>	16
600 Purpose	16
601 Consolidated index of personal property liens	16

## **Section 1. General Provisions**

### **100 Purpose and Scope**

**100.1 Purpose.** The purpose of these rules is to establish filing office procedures related to duties and responsibilities of the Department of State under N.H. RSA Chapter 382-A, Uniform Commercial Code Part 9, Secured Transactions.

**100.2 Scope.** These rules shall apply only filings and search requests presented to the New Hampshire Secretary of State. These rules shall not apply to UCC fixture filings recorded with a county Register of Deeds office in this State.

**100.3 Authority.** These rules are established pursuant to N.H. RSA 382-A: 9-526. These rules are not subject to the provisions of N.H. RSA 541-A, Administrative Procedure Act.

**100.4 Harmonization of Rules.** As provided in N.H. RSA 382-A:9-526, in order to keep the filing-office rules and practices of this office in harmony with the rules and practices of other states, filing office rules were reviewed from various states, including Nevada, Virginia, and Wisconsin. New Hampshire's rules contained herein are based substantially on the most recent version (Rev. 9 May 2018) of the UCC Model Rules promulgated by the International Association of Corporation Administrators.

**101 Definitions.** Terms used in these filing-office rules that are defined in the N.H. RSA Chapter 382-A and not otherwise defined in this Section shall have the respective meanings accorded such terms in the statute.

**101.1 Address.** "Address" means either

- (i) a street address, route number (may include box) or PO Box number plus the city, state and zip code, or
- (ii) an address that purports to be a mailing address outside the United States of America. Addresses provided are not verified with the United States Postal Service.

**101.2 Amendment.** "Amendment" means any UCC record filed that relates to the initial financing statement. Amendments include party or collateral changes, assignments, continuations and terminations.

**101.3 Assignment.** "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

**101.4 Filing office.** "Filing office" means the UCC section of the Department of State, State of New Hampshire.

**101.5 Filing office statement.** "Filing office statement" means a statement entered into the filing office's UCC information management system to explain an action by the filing office.

**101.6 Individual.** “Individual” means a natural person, or decedent if the debtor is the estate of the decedent.

**101.7 Information statement.** “Information statement” means a UCC record that indicates a financing statement is inaccurate or wrongfully filed.

**101.8 Initial financing statement.** “Initial financing statement” means a UCC record that causes the filing office to establish the initial record of filing of a financing statement.

**101.9 Organization.** “Organization” means a person other than an individual.

**101.10 Remitter.** “Remitter” means a person who tenders a UCC record to the filing office for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. “Remitter” does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer’s representative in the filing process.

**101.11 Searchable indexes.** “Searchable indexes” means the searchable index of individual debtor names and the searchable index of organization debtor names the filing office must maintain in the UCC information management system.

**101.12 Secured party of record.** “Secured party of record” means every party designated as a secured party in a financing statement, including those for whom an amendment has been filed purporting to delete them as a secured party or purporting to indicate they have assigned their secured interest, except as provided in Rule 306.1.

**101.13 UCC.** “UCC” means the Uniform Commercial Code as adopted in the State of New Hampshire.

**101.14 UCC information management system.** “UCC information management system” means the information management system used by the filing office to store, index, and retrieve information relating to financing statements as described in Section 3 of these filing-office rules.

**101.15 UCC record.** “UCC record” means an initial financing statement, an amendment of party or collateral information, an assignment, a continuation statement, a termination statement, a filing office statement or an information statement, and includes a record thereof maintained by the filing office. The term shall not be deemed to refer exclusively to paper or paper-based writings.

**101.16 Unlapsed record.** “Unlapsed record” means a UCC record that has been stored and indexed in the UCC information management system, which has a lapse date that has not yet occurred.

**102 Means to deliver UCC records; time of filing.** UCC records may be tendered for filing at the filing office as follows.

**102.1 Personal delivery by Remitter, at the filing office's street address.** Subject to Rule 102.2, the file time for a UCC record delivered by this method is when delivery of the UCC record is taken by the filing office (even though the UCC record may not yet have been accepted for filing and subsequently may be rejected). This rule applies only to a Remitter who tenders a UCC record to the filing office and awaits an immediate determination of whether or not the UCC record will be taken or not.

**102.2 Courier delivery by a person other than a Remitter, at the filing office's street address.** The file time for a UCC record delivered by this method is, notwithstanding the time of delivery, at the earlier of the time the UCC record is first examined by a filing office for processing (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected), or the next close of business following the time of delivery. This rule does not apply to a courier who is acting as an agent of the Remitter and who tenders a UCC record to the filing office and awaits an immediate determination of whether or not the UCC record will be taken or not under Rule 102.1.

A UCC record delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

**102.3 Postal service delivery, to the filing office's mailing address.** The file time for a UCC record delivered by this method is the next close of business following the time of delivery (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected). A UCC record delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

**102.4 Electronic mail and facsimile delivery.** Except as authorized by the filing office, in advance, electronic mail and facsimile shall not be used for filing UCC documents or requesting searches of the records of financing statements or other liens.

**102.5 Electronic XML filing. [Reserved]**

**102.6 Direct web page data entry.** UCC records may be delivered by on-line data entry using the filing office's website on the internet. The file time for a UCC record delivered by this method is the time the entry of all required elements of the UCC record in the proper format is acknowledged by the on-line entry system.

**102.7 Means of communication.** Regardless of the method of delivery, information submitted to the UCC filing office must be communicated only in the form of characters that appear on the American standard keyboard or such information will be modified, upon entry into the UCC information management system, as provided in Rule 401. A financing

statement or amendment form that does not designate separate fields for organization and individual names, and separate fields for the surname, first personal name, additional name(s)/initial(s) and suffixes for individual names is not an acceptable means of communication to the filing office.

**102.8 Transmitting utility, manufactured-home and public-finance transactions.** The only means to indicate to the filing office that an initial financing statement is being filed in connection with a manufactured-home or public-finance transaction, or that a financing statement is being or has been filed against a debtor that is a transmitting utility is to check the appropriate box on, or to transmit the indication in the proper field in, the related initial financing statement.

**103 Search request delivery.** UCC search requests may be delivered to the filing office by any of the means by which UCC records may be delivered to the filing office.

**104 Filing office identification.** The filing office shall disseminate information of its physical location, mailing address, telephone number, and its Internet and other electronic addresses.

**105 Office hours.** Office hours shall be from 8:30am to 4:00pm, Monday through Friday. There shall be no office hours on state legal holidays. The office shall receive transmissions electronically 24 hours every day of the year, except for scheduled maintenance and unscheduled interruptions in service.

**106 Forms.** The forms prescribed by UCC Section 9-521 are accepted by the filing office. Paper-based forms approved by the International Association of Commercial Administrators and forms otherwise approved by the filing office from time to time shall be accepted. A list of forms approved by the filing office is available on the Department of State's website.

**107 Fees.** The fee for filing a UCC record is prescribed by UCC Section 9-525.

**107.1 Filing fee.** The fee for filing and indexing a UCC record of one or two pages communicated on paper or in a paper-based format is \$48.00. If there are additional pages, the fee is \$83.00. The fee for filing and indexing a UCC record communicated by a medium authorized by these rules which is other than a record communicated in writing shall be \$48.00.

**107.2 Additional fees.** In addition to fees set forth in Rule 107.1, a fee of \$96.00 shall be paid for an initial financing statement that indicates that the debtor is a transmitting utility, or that is filed in connection with a public-finance transaction or manufactured-home transaction. A fee of \$40.00 shall be paid for each additional debtor name more than two that is required to be indexed if the relevant UCC record is communicated in writing. Additional party forms UCC1AP or UCC3AP shall not be included in determination of the filing fees contained in Rule 107.1.

**107.3 UCC search fee.** The fee for processing a UCC search request communicated on paper or in a paper-based format is \$10.00. The fee for processing a UCC search request communicated by a medium authorized by these rules that is other than on paper or in a paper-based format shall be \$10.00.

**107.4 UCC search - copies.** There is no fee for UCC search copies of less than 5 pages. For requests that contain 5 or more pages, the fee shall be \$1.00 per page. An invoice for copies will be included with UCC-11 search request results.

**108 Expedited services.**

**108.1 Same Day and 24 Hour expedited services and fees.** If a remitter requests a UCC document or UCC-11 search request be processed within the same business day as it is received by the filing office, the remitter shall make such a request in-person or via a cover letter, including a \$35.00 Same Day expedited service fee in addition to the required filing fees.

If a remitter requests a UCC document or UCC-11 search request be processed within 24 hours of the time the document is received by the filing office, the remitter shall make such a request in-person or via a cover letter, including a \$25.00 24-hour expedited service fee in addition to the required filing fees.

**109 Methods of payment.** Filing fees and fees for public records services may be paid by the following methods.

**109.1 Cash.** Payment in cash in the exact amount due is accepted.

**109.2 Checks.** Personal checks, cashier's checks and money orders made payable to the filing office are accepted if the drawer (or the issuer in the case of a cashier's check or money order) is deemed creditworthy by the filing office in its discretion.

**109.3 Electronic funds transfer.** The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association ("NACHA") rules from Remitters who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

**109.4 Debit and credit cards.** The filing office shall accept payment by debit and credit cards that display the VISA, MASTERCARD, or DISCOVER logo. Remitters shall provide the filing office with the card number, the expiration date, the name of the card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment.

Use of a debit or credit card to submit a UCC record or search request in-person shall incur a 2.49% convenience fee. Use of a debit or credit card to submit a UCC record or search request online shall incur a \$2 handling fee. These fees are in addition to the fees noted in Rule Sections 107 and 108.

**110 Overpayment and underpayment policies.**

**110.1 Overpayment.** Upon request, the filing office shall refund the amount of an overpayment exceeding \$5.00 to the Remitter.

**110.2 Underpayment.** The UCC record shall be returned to the Remitter as provided in Rule 203. Any fee received will be returned with the UCC record or under separate cover.

**111 Public records services.** Public records services are provided on a non-discriminatory basis to any member of the public. Copies of individual UCC records, bulk copies of records and data elements from the filing offices UCC information management system are made available in such forms, at such times and for such fees as the filing office may prescribe from time to time.

**112 Fees for public records services.** Fees for public records services (other than those established under Rule 107) are established by the filing office from time to time and are available upon request.

## **Section 2. Acceptance and Refusal of Records**

**200 Duties of filing office ministerial.** Unless otherwise expressly provided for by statute, the duties and responsibilities of the filing office with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC record pursuant to these rules, the filing office does not determine the legal sufficiency or insufficiency of the UCC record, determine that information in the record is correct or incorrect, in whole or in part, or create a presumption that information in the UCC record is correct or incorrect, in whole or in part.

### **201 Time for filing a continuation statement.**

**201.1 First day permitted.** The first day on which a continuation statement may be filed is the date corresponding to the date upon which the related financing statement would lapse, six months preceding the month in which such financing statement would lapse. If there is no such corresponding date, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse. The foregoing rule is subject to the ability of the filing office to take delivery of the continuation statement when tendered and to Rule 102.

**201.2 Last day permitted.** The last day on which a continuation statement may be filed is the date upon which the related financing statement lapses, subject to the ability of the filing office to take delivery of the continuation statement when tendered and to Rule 102. The time of filing of the continuation statement under Rule 102 must be on or prior to such last day.

**202 Grounds for refusal.** The filing office shall refuse a record for each applicable ground as set forth in UCC Section 9-516, and will not refuse a record for any other reason. A record that does not provide an address that meets the minimum requirements set forth in Rule 101.1 does not provide a mailing address as required by UCC Section 9-516.

**203 Procedure upon refusal.** If the filing office finds grounds to refuse a UCC record, the filing office shall, upon request, refund any filing fee received by the filing office. Communication of the refusal, the reason(s) for the refusal and other related information will be made to the Remitter as soon as practicable and in any event within two business days after the refused

UCC record was received by the filing office, by the same means as the means by which such UCC record was delivered to the filing office, or by mail or such more expeditious means as the filing office shall determine. If a remitter corrects and resubmits a refused filing to the filing office, the previously submitted funds shall be applied to the resubmitted UCC document. Records of refusal, including a copy of the refused UCC record, remitted funds and the ground(s) for refusal, shall be maintained until the first anniversary of the lapse date that applies or would have applied to the related financing statement, assuming that the refused record had been accepted and filed.

- 204 Refusal errors.** If a secured party or a Remitter believes that a UCC record that the filing office refused to file should not have been refused under Rule 202, the person may contact the filing office to request a review of the refusal decision. The person requesting review shall provide the filing office with a copy of the reasons for refusal, a copy of the refused record and a statement of the basis for the person's belief that the filing office wrongfully refused to file the record. Upon receipt of a request for review, the filing office shall investigate the claim. If the investigator confirms that the record should have been refused, the filing office shall provide a written explanation of the grounds for refusal. But if it is determined that the filing office refused to accept the record in error, the filing office shall file the UCC record with the filing date and time that was assigned, based on the method of delivery, by the filing office after the record was originally delivered for filing. A filing office statement record relating to the relevant initial financing statement shall be placed in the UCC information management system on the date that the corrective action was taken. The filing office statement must provide the date of the correction and explain the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

### **Section 3. UCC Information Management System**

- 300 General.** The filing office uses the UCC information management system to store, index, and retrieve information relating to financing statements. The UCC information management system includes the searchable indexes. The rules in this section describe the UCC information management system.
- 301 Primary data elements.** The primary data elements used in the UCC information management system are the following.

#### **301.1 Identification numbers.**

301.1.1 Each initial financing statement is identified by its file number. Identification of the initial financing statement is stamped on written UCC records or otherwise permanently associated with the record maintained for UCC records in the UCC information management system. A record is created in the UCC information management system for each initial financing statement and all information comprising such record is maintained in the system.

301.1.2 A UCC record other than an initial financing statement is identified by a unique file number assigned by the filing office. In the UCC information management system, records of all UCC records other than initial financing statements are linked to the record of their related initial financing statement.

**301.2 Type of record.** The type of UCC record from which data is transferred is identified in the UCC information management system from information supplied by the Remitter. Types of records include initial financing statement, party amendment, assignment, continuation, termination, and collateral amendment.

**301.3 Filing date and filing time.** The filing date and filing time of UCC records are stored in the UCC information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

**301.4 Identification of parties.** The names and addresses of debtors and secured parties are transferred from UCC records to the UCC information management system.

**301.5 Page count.** The total number of pages in a UCC record is maintained in the UCC information management system.

**301.6 Lapse indicator.** An indicator is maintained by which the UCC information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in Rules 306.3 and 308.

**301.7 Indexes of names.** The filing office maintains in the UCC information management system a searchable index of organization debtor names, and a searchable index of individual debtor names. The filing office may also maintain a searchable index of names of secured parties of record. Such an index need not be a separate database but may be comprised of records in the UCC information management system identified to be included in such searchable index.

**302 Individual debtor names.** For purposes of this rule, an “individual debtor name” is any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an individual, without regard to the nature or character of the name or to the nature or character of the actual debtor.

**302.1 Individual name fields.** Individual debtor names are stored in data fields that include only the individual debtor names, and not organization debtor names. Separate data entry fields are established for surnames (last or family names), first personal names (given), and additional name(s)/initial(s) of individuals. The name of a debtor with a single name (e.g., “Cher”) is treated as a surname and shall be entered in the individual surname field. The filing office assumes no responsibility for the accurate designation of the components of a name but shall accurately enter the data in accordance with the filer’s designations.

**302.2 Titles, prefixes and suffixes.** Titles, prefixes (e.g. “Ms.”) and suffixes or indications of status (e.g. “M.D.”) are not typically part of an individual debtor’s name. Suffixes used to distinguish between family members with identical names (e.g., “JR.”) should be provided in

the Suffix field. Regardless of how provided, when entering a “name” into the UCC information management system, the filing office shall enter the data exactly as it appears.

**302.3 Extended debtor name field.** The filing office shall not refuse to accept an initial financing statement that lacks debtor information in item 1 and/or item 2 if the record includes an addendum that provides debtor information in item 10.

**302.4 Truncation - individual names.** Personal name fields in the UCC information management system are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing office, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows.

302.4.1 Surname: 60 characters.

302.4.2 First personal name: 50 characters.

302.4.3 Additional name(s)/initial(s): 50 characters.

302.4.4 Suffix: 10 characters

**303 Organization debtor names.** For purposes of these rules, an “organization debtor name” is any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an organization, without regard to the nature or character of the name or to the nature or character of the actual debtor.

**303.1 Single field.** Organization debtor names are stored in files that include only organization debtor names and not individual debtor names. A single field is used to store an organization debtor name.

**303.2 Truncation -organization names.** The organization debtor name field in the UCC information management system is fixed in length. The maximum length is 255 characters. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing office, up to the maximum length of the organization debtor name field.

**304 Collateral being administered by a Decedent’s Personal Representative.** The debtor name to be provided on a financing statement when the collateral is being administered by a decedent’s personal representative is the name of the relevant decedent. In order for the UCC information management system to function in accordance with the usual expectations of filers and searchers, the filer should provide the debtor name as an individual debtor name. However, the filing office shall enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields.

**305 Collateral held in a Trust.** The debtor name to be provided when the collateral is held in a trust that is not a registered organization is the name of the trust as set forth in its organic record(s), if the trust has such a name or, if the trust is not so named, the name of the trust’s settlor or testator. In order for the UCC information management system to function in

accordance with the usual expectations of filers and searchers, the name of a trust or the name of a settlor or testator that is an organization should be provided as an organization debtor name, and the name of a settlor or testator who is an individual should be provided as an individual debtor name, in each case without regard to the nature or character of the debtor. Notwithstanding the foregoing, the filing office shall enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields.

**306 Initial financing statement.** Upon the filing of an initial financing statement the status of the parties and the status of the financing statement shall be as follows.

**306.1 Status of secured party.** Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC record names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

**306.2 Status of debtor.** Each debtor name provided by the initial financing statement shall be indexed in the UCC information management system and shall remain on the record in accordance with UCC Section 9-519(g).

**306.3 Status of financing statement.** A lapse date shall be calculated, five years from the file date, unless

(i) the initial financing statement indicates as provided in Rule 102.8 that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty years from the file date, or

(ii) the initial financing statement indicates as provided in Rule 102.8 that it is filed against a transmitting utility, in which case there shall be no lapse date. The lapse date for a financing statement filed on February 29 shall be the March 1 in the fifth year following the year of the filing date.

**307 Amendments generally.** Upon the filing of an amendment the status of the parties shall be unchanged, except that in the case of an amendment that adds a debtor or a secured party, the new debtor or secured party shall be added to appropriate index and associated with the record of the financing statement in the UCC information management system, and an amendment that designates an assignee shall cause the assignee to be added as a secured party of record with respect to the affected financing statement in the UCC information management system. Notwithstanding the filing of an amendment that deletes a debtor or a secured party from a financing statement, no debtor or secured party of record is deleted from the UCC information management system. A deleted secured party will still be treated by the filing office as a secured party of record as the filing office cannot verify the effectiveness of an amendment. Except in the case of a continuation statement, the filing of an amendment does not affect the status of the financing statement.

**308 Continuation statement.**

**308.1 Continuation of lapse date.** Upon the timely filing of one or more continuation statements by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years. The lapse date is postponed once notwithstanding the fact that more than one continuation statement is filed within a given 6-month period prior to a lapse date. Notwithstanding the immediate postponement of the lapse date with respect to one or more secured parties of record who file timely a continuation statement within a given 6-month period prior to a lapse date, such lapse date remains effective solely for purposes of determining whether or not a subsequent continuation statement filed in the same 6-month period is timely.

**308.2 Status.** The filing of a continuation statement shall have no effect upon the status of any party to the financing statement or upon the status of the financing statement.

**309 Termination.** The filing of a termination statement shall have no effect upon the status of any party to the financing statement or upon the status of the financing statement.

**310 Information statement.** The filing of an information statement shall have no effect upon the status of any party to the financing statement, the status of the financing statement or the information maintained in the UCC information management system.

**311 Filing office statement.** A filing office statement affects the status of parties and of the relevant financing statement as provided in the corrective action described as having been taken in the filing office statement.

**312 Procedure upon lapse.** If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office.

**313 Removal of record.** A financing statement must remain in the searchable index within the UCC information management system until at least one year after it lapses. On or after the first anniversary of such lapse, the financing statement and all related UCC records may be removed from the Searchable Indexes or from the UCC information management system.

#### **Section 4. Filing and Data Entry Procedures**

**400 Errors of the filing office.** The filing office may correct data entry and indexing errors of filing office personnel in the UCC information management system at any time. If a correction is made to a record of a financing statement the filing office shall associate with the record of the financing statement in the UCC information management system a filing office statement on the date that the corrective action was taken providing the date and an explanation of the correction.

- 401 Data entry.** Data are entered into the UCC information management system exactly as provided in a UCC record, without regard to apparent errors, except that characters that do not appear on the American standard keyboard will be replaced with the closest reasonable equivalent found on the American standard keyboard. If no reasonably equivalent character appears on such keyboard, then the character will be replaced with an asterisk. Data provided in electronic form is transferred to the UCC information management system exactly as submitted by the Remitter.
- 402 Verification of data entry.** The filing office shall verify accuracy of the data from UCC records entered in accordance with Rule 401 into the UCC information management system, except that debtor name data are verified by double-blind keying. Data entry performed by Remitters with respect to electronically filed UCC records is the responsibility of the Remitter and is not verified by the filing office.
- 403 Notice of bankruptcy.** The filing office shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system.
- 404 Social Security Numbers not to be Filed or Disclosed.** When a UCC record submitted for filing contains the social security number of such a debtor who is an individual, such number shall be expunged prior to filing. Where a filed record contains the social security number of such a debtor, the number shall not be included in any record made available to the public.
- 405 Fraudulent Filings.** If the filing office believes in good faith that a document filed with this office that purports to create a lien that is fraudulent, the filing office shall index the document only under the name of the signer of the document and shall identify the notice as an information statement in the document type. No other names appearing on the document shall be indexed, pursuant to N.H. RSA 478:42.

## **Section 5. Search Requests and Reports**

- 500 General requirements.** The filing office maintains records for public inspection in a searchable index within the UCC information management system for public inspection. Records will be retrievable by the name of the debtor or by the file number of the related initial financing statement or other lien, and each record related to an initial financing statement is retrieved with the initial financing statement using either retrieval method.
- 501 Search requests – required information.** Search requests shall include the following:
- 501.1 Name searched.** A search request must set forth the name of the debtor to be searched using designated fields for organization name or individual surname, first personal name and additional name(s)/initial(s). A search request will be processed using the data and designated fields exactly as submitted, including the submission of no data in a given field, without regard to the nature or character of the debtor that is subject of the search.

**501.2 Requesting party.** The name and address of the person to whom the search results is to be sent.

**501.3 Fee.** The appropriate fee shall be tendered by a method described in Rule 109.

**502 Search requests - optional information.** Search requests may include the following:

**502.1 Copies.** The request may limit the copies of UCC records that would normally be provided with a search report by requesting that no copies be provided.

**502.2 Scope of search.** A search request may ask for a search that reports all Records or all Unlapsed Records from the UCC information management system's searchable index.

**502.3 Mode of delivery.** A search request may specify a mode of delivery for search results and that request will be honored if the requested mode is made available by the filing office, and all requisite fees are tendered.

**503 Search methodology.** Search results are produced by the application of search logic to the name presented to the filing office. Human judgment does not play a role in determining the results of the search.

**503.1 Standard search logic.** The following rules describe the filing office's standard search logic and apply to all searches except for those where the search request specifies that a non-standard search logic be used:

503.1.1 There is no limit to the number of matches that may be returned.

503.1.2 No distinction is made between upper and lower case letters.

503.1.3 The following rules apply only to organization names:

(a) The character "&" (the ampersand) is deleted and replaced with the characters "and" each place it appears in the name.

(b) Punctuation marks and accents are disregarded. For the purposes of this rule, punctuation and accents include all characters other than the numerals 0 through 9 and the letters A through Z (in upper and lower case) of the English alphabet.

(c) Noise Words. A list of "noise words" and abbreviations at the end of an organization name that indicate the existence or nature of the organization shall be maintained by the filing office and available upon request. Noise words are "disregarded" to the extent practicable as determined by the filing office's programming of its UCC information management system. The filing office shall publish notice on the Department of State's website with respect to any changes to its UCC search logic or its list of noise words.

(d) The word “the” at the beginning of an organization debtor name is disregarded.

(e) All spaces are disregarded.

503.1.4 The following search rules apply to individual debtor names:

(a) Surname: The individual debtor surname on a filed record must exactly match the surname of the search request. The search logic does not provide equivalencies for the surname field, nor does the search logic disregard titles, suffixes or ending noise words of any type if entered in the surname field.

(b) First Personal Name. The following equivalencies apply: (1) A first personal name is the logical equivalent of the first initial of the name. (2) An initial (a single letter) is the logical equivalent of all first personal names that begin with that letter. (3) No first personal name or initial is the logical equivalent of all first personal names and initials.

(c) Additional Names/Initials. The following equivalencies apply: (1) A name is the logical equivalent of the first initial of the name. (2) An initial (a single letter) is the logical equivalent of all names that begin with that letter and no entry in the additional names/initials field. (3) No entry in the additional names/initials field is the logical equivalent of all names and initials.

(d) Search Results. Only records that exactly match the surname field under subsection (a); exactly match the first personal name after application of the equivalency rules in subsection (b); and that exactly match the additional names/initials field after application of the equivalency rules in subsection (c) will be reported.

(e) Single Names. If the name being searched is the surname of an individual debtor name without any first personal name or additional name(s)/initial(s) provided, the search will retrieve from the UCC information management system all financing statements with individual debtor names that consist of only the surname.

(f) Search Result Examples. (1) A search request for “John A. Smith” (first personal name and surname with an initial in the additional name(s)/initial(s) field) would cause the search to retrieve all filings against all individual debtors with (i) “John” or the initial “J” as to the first name, (ii) “Smith” as the surname, and (iii) no name or initial, the initial “A” or any name beginning with “A” in the additional name(s)/initials field. (2) A search request for “J.A. Smith” (initial for first personal name, surname and an initial for the additional name(s)/initial(s) field), would retrieve all filings against individual debtors with (i) the initial “J” or any name beginning with “J” as the first name, (ii) “Smith” as the last name, and (iii) no name or initial, the initial “A” or any name beginning with “A” in the additional name(s)/initial(s) field. (3) A search request for “John Smith” (first personal name

and surname with no designation in the additional name(s)/initial(s) field), would retrieve all filing against individual debtors with (i) “John” or the initial “J” as the first name, (ii) “Smith” as the last name and (iii) any entry or no entry in the additional name(s)/initial(s) field.

503.1.5 After applying the preceding rules to the name being searched, the search will retrieve from the UCC information management system’s searchable index all Unlapsed Records, or, if requested by the searcher, all Records, that pertain to financing statements with debtor names that, after application of this Rule 503, exactly match the modified name being searched.

**504 Changes in standard search logic.** If the filing office changes its standard search logic or the implementation of its standard search logic in a manner that could alter search results, the filing office shall provide prior public notice of such change, including its list of “Noise Words.”

**505 Search responses.** Responses to a search request shall include the following:

**505.1 Copies.** Copies of all UCC records or others liens contained in the filing office’s consolidated index of personal property liens retrieved by the search unless only limited copies are requested by the searcher. Copies will reflect any redaction of personal identifying information required by law.

**505.2 Introductory information.** The filing office shall include the following information with a UCC search response:

- (a) a unique search report identification number;
- (b) date and time the report was generated;
- (c) the “through” date and time of the UCC index;
- (d) whether the search included only unlapsed or all active filings
- (e) name as provided by searcher;
- (f) name as searched (“search string”) after application of Rule 503, and
- (g) whether copies/no copies were requested by the remitter.

**505.3 Report.** The search report shall contain the following.

- (a) Search report identification number; and

(b) Identification of each initial financing statement or other liens contained in the UCC index, including a listing of all related amendments, information statements, or filing office notices, filed on or prior to the through date corresponding to the search criteria (including whether the searcher has requested all Records or only Unlapsed Records from the searchable index).

## **Section 6. Other Notices of Liens**

**601 Purpose.** This section describes records of liens accepted by the filing office pursuant to statutes other than N.H. RSA 382-A which are treated in a manner substantially similar to UCC documents and are included on a request with the reports described in Rule 505.3.

**602 Consolidated Index of Person Property Liens.** In addition to UCC documents, the filing office shall maintain a consolidated index of certain liens affecting personal property.

### **602.1 Liens to be Included**

- (a) Federal tax liens;
- (b) State tax liens;
- (c) Aircraft registration fee liens;
- (d) Writs of attachment;
- (e) Child support liens;
- (f) Housing finance authority liens;
- (g) Hazardous waste liens;
- (h) Employment security liens;
- (i) State food security act liens;
- (j) Road toll liens; and
- (k) Creditor's bill liens.

**602.2 Information to be Included.** The index shall include the following information with regard to each such lien, or any full release thereof:

- (a) Name and address of each debtor;
- (b) Name and address of the first-listed lienor;
- (c) Type of lien and statutory authority;
- (d) Date and time of filing; and
- (e) File number.