



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

1. General Information

| | | |
|---------------------------------|------------------------------------|-------------|
| a. Agency/Board Name | | |
| b. Agency/Board Address | c. City | d. Zip Code |
| e. Name of Agency Liaison | f. Agency Liaison Telephone Number | |
| g. Agency Liaison Email Address | h. Adoption Date | |
| i. Program | | |

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

| | | |
|-----------------|---------------|---|
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |

3. State Government Notice of Intended Rulemaking

- a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:
- approved as to form by the Registrar of Rules; and
 - provided to the Legislative Service Office and Attorney General:

4. Public Notice of Intended Rulemaking

- a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A
- b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

| | | | |
|-------|-------|-------|-----------|
| Date: | Time: | City: | Location: |
| | | | |

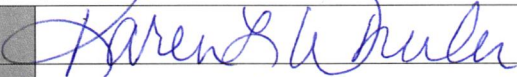
c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

- a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: 09.11.2018
- b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office: 09.11.2018
- c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

| | |
|------------------------------------|---|
| Signature of Authorized Individual |  |
| Printed Name of Signatory | Karen L. Wheeler |
| Signatory Title | Deputy Secretary of State |
| Date of Signature | 09.11.2018 |

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

| | |
|----------------------|--|
| Governor's Signature | |
| Date of Signature | |



Wyoming Secretary of State

Edward A. Buchanan
Secretary of State

Karen L. Wheeler
Deputy Secretary of State

TO: The Honorable Matt Mead, Governor

FROM: Karen L. Wheeler, Deputy Secretary of State

A handwritten signature in cursive script that reads "Karen L. Wheeler".

DATE: September 11, 2018

SUBJECT: Emergency Rules: Secretary of State, Article 9 Secured Transactions

Chapter 1: General Provisions

Chapter 2: Acceptance and Refusal of Documents – Repealed

Chapter 3: Filing Procedures – Repealed

Chapter 4: Search Requests and Reports – Repealed

PRIORITY: High – Emergency Rules are required by **September 27, 2018**

SUMMARY: In order to coincide with the deployment on June 4, 2018 of the new Uniform Commercial Code (UCC)/Effective Financing System (EFS)/Buyer E-Filing System, the Secretary of State adopted emergency rules which were subsequently approved by the Governor on May 30, 2018. Those emergency rules will expire on September 27, 2018.

Proposed rules were filed in July with the public comment period ending on August 29, 2018. The final rules were submitted on September 5th and, as of today, have 69 days remaining in the rule-making process.

This second set of emergency rules, identical to the first, is necessary to “fill the gap” between the first set of emergency rules and the approval of the final, permanent set of rules. This ensures the continuity of the processes established with the original emergency rules in order to facilitate implementation of the new electronic filing system.

Agency Contact Name: Lisa Gonzales

Agency Contact Phone: (307) 777-5342

Agency Contact Email: Lisa.Gonzales@wyo.gov

Chapter 1
General Provisions

**Emergency rules are in effect no longer than 120 days after filing
with the Registrar of Rules.**

Section 1. Statement of Purpose. These rules are adopted to promote the uniform administration of Article 9 of the Uniform Commercial Code (UCC) as authorized in W.S. 34.1-9-526.

Section 2. General Provisions.

(a) Definitions.

(i) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

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

(iii) "Correction statement" means a UCC record, filed before July 1, 2013, that indicates that a financing statement is inaccurate or wrongfully filed.

(iv) "Individual debtor name" means a human being, or a decedent in the case of a debtor that is a decedent's estate.

(v) "Information statement" means a UCC record, filed on or after July 1, 2013, that indicates that a financing statement is inaccurate or wrongfully filed.

(vi) "Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.

(vii) "Internet Filing Service" or "UCC E-Filing System" means an on-line filing service administered by the Secretary of State's Office that provides authorized users with the capability to file all UCC records immediately and conduct searches that provide immediate results.

(viii) "Organization debtor name" means a legal business entity who is not an individual.

(ix) "Remitter" means an individual or registered organization that tenders a UCC record to the filing officer for filing, whether the remitter is a filer or an agent of a filer

responsible for tendering the record for filing. "Remitter" does not include an individual or registered organization 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.

(x) "UCC1" means the form used for a new initial financing statement.

(xi) "UCC3" means the form used for a UCC amendment filing, which includes the following actions:

(A) Assignment: Full or Partial;

(B) Collateral: Add, Restate, or Delete;

(C) Continuation Statement;

(D) Debtor: Add, Change, or Delete;

(E) Information Statement (formerly known as correction statement);

(F) Secured Party: Add, Change, or Delete; and

(G) Termination Statement.

(xii) "UCC5" means the form used for a UCC information statement filing.

(xiii) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement.

(b) Paper Filing Fees.

(i) There is no fee for filing a termination statement.

(ii) The fee is \$30 for filing an initial financing statement. The fee is \$60 if there are more than two (2) pages.

(iii) Except for a continuation, the fee is \$15 for filing any amendment on paper which contains up to two (2) pages.

(A) If there are more than two (2) pages, the fee is \$30.

(B) The remitter may file multiple UCC3 amendments to the same initial financing statement for one fee. For example, the following combinations of amendments, or portions thereof, may be made for one fee of \$15:

- (I) Assignment, debtor and/or collateral amendments; or
 - (II) Assignment, secured party and/or collateral amendments.
- (iv) The fee is \$30 for filing a continuation statement.
- (v) The fee is \$10 per debtor name for a certified UCC search.
- (vi) The fee is 50 cents per page for a copy of a UCC record.
- (c) Electronic Filing Fees.
 - (i) There is no fee for filing a termination statement.
 - (ii) The fee is \$15 for an initial financing statement.
 - (iii) Except for a continuation, the fee is \$7.50 for filing any amendment electronically.
 - (A) The remitter may file multiple UCC3 amendments to the same initial financing statement for one fee. For example, the following combinations of amendments, or portions thereof, may be made for one fee of \$7.50:
 - (I) Assignment, debtor and/or collateral amendments; or
 - (II) Assignment, secured party and/or collateral amendments.
 - (iv) Continuation and information statements (correction statements) must be filed separately.
 - (v) The fee is \$15 for filing a continuation statement.
 - (vi) There is no fee for a UCC search.
 - (vii) The fee is \$150.00 annually for the Internet Filing Service (up to ten (10) 10 users).
 - (viii) The fee is \$2,000 annually for the Internet Download Service (up to two (2) users).
- (d) Use of Forms.

(i) Acceptable forms are prescribed by the International Association of Commercial Administrators (IACA) forms which are available through the Forms section of the Wyoming Secretary of State's website at <http://sos.wyo.gov>.

Section 3. Acceptance and Refusal of UCC Records.

(a) Duty to File.

(i) The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial and the filing office bears no responsibility for the legal effectiveness of a filing. In accepting for filing or refusing to file a UCC record pursuant to these rules, the filing officer does none of the following:

(A) Determine the legal sufficiency or insufficiency of a UCC record.

(B) Determine that a security interest in collateral exists or does not exist.

(C) Determine that information in the UCC record is correct or incorrect, in whole or in part.

(D) Create a presumption that information in the document is correct or incorrect, in whole or in part.

(ii) If a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should have been filed, the filing officer will file it and the effective date and time of filing which shall be the date and time the UCC record was originally tendered for filing.

(iii) If the filing officer finds grounds to refuse a UCC record, the filing officer shall return the UCC record and communicate in writing, whether via hard copy or email correspondence, the reasons for the rejection and the filing officer shall return or refund the filing fee.

Section 4. Filing Procedures.

(a) Filing and Data Entry Procedures.

(i) When entering information into the UCC system from paper UCC records, the debtor and/or secured party name(s) shall be entered exactly as set forth on the filing form even if it appears that the name of an individual debtor has been placed in the field designated for an organization debtor name, and vice versa.

(b) UCC Records Tendered for Filing.

(i) The time of filing for a UCC record filed electronically through on-line entry is the date and time the Wyoming UCC E-System accepts the filing.

(ii) For all UCC records delivered to the filing office:

(A) The time of filing shall be the date and time the UCC record is entered and accepted by the Wyoming UCC E-Filing System, which in no event shall be later than two (2) business days after the filing office receives the record. No priority is given to UCC records received in the filing office.

(B) The email address associated with the filer of an initial financing statement or amendment may be provided on each filing to allow for the electronic transmittal of confirmation of filing for each paper filing filed by the filing office.

Section 5. Search Requests and Reports.

(a) General Requirements.

(i) The filing officer maintains a searchable index for all UCC records. The index shall provide for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement and each filed UCC record relating to the initial financing statement.

(ii) Search requests presented to the Secretary of State's Office shall be in written form which includes hard copy or electronic.

(iii) Search requests shall contain the full name of the debtor to be searched and the request must specify whether the debtor is an individual debtor name or an organization debtor name.

(b) Rules Applied to Certified Search Requests.

(i) Certified search results are produced by the application of standardized search logic. Human judgment does not play a role in determining the results of the search. The following logic apply to certified searches:

(A) There is no limit to the number of matches that may be returned in response to the search criteria.

(B) No distinction is made between upper and lower case letters.

(C) Punctuation marks and accents are disregarded.

(D) Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the ending noise words list are disregarded. The ending noise words list may be found on the Secretary of State's website at <https://ucc.wyo.gov>.

(E) The word "the" at the beginning of the search criteria is disregarded.

(F) All spaces are disregarded.

(G) For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials.

(I) Example: a search request for John A. Smith would cause the search to retrieve all filings against all individual debtor names with "John" as the first name, "Smith" as the last name, and the initial "A" or any name beginning with "A" in the middle name field.

(II) Example: a search request for J. A. Smith would cause the search to retrieve all filings against all individual debtor names with the initial "J" as the first name or any first name beginning with "J;" "Smith" as the last name; and the initial "A" or any name beginning with "A" in the middle name field.

(H) First name and no middle name or initial is equated with all middle names and initials.

(I) Example: a search request for "John Smith" (first and last names with no designation in the middle name field) would cause the search to retrieve all filings against individual debtor names with "John" as the first name; "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

(c) Certified Search Request Responses.

(i) Results of certified search requests shall include:

(A) The certification of the filing office;

(B) Identification of the filing officer;

(C) The typed name of the filing officer in lieu of a signature;

(D) The date the report was generated;

(E) Identification of the name searched;

- (F) The certification date and time for which the search is effective;
- (G) Identification of each unlapsed initial financing statement filed on or prior to the certification date and time corresponding to the search criteria; and
- (H) If requested, copies of all UCC records revealed by the search.

CHAPTER Chapter 1
General Provisions

~~Section 1. **Authority.** The Secretary of State, pursuant to W.S. 34.1-9-526 is authorized to promulgate rules and regulations to implement the Uniform Commercial Code Article 9 Revisions and to set the filing fees under the Act.~~

Section 12. Statement of Purpose. These rules are adopted to promote the uniform administration of Article 9 of the Uniform Commercial Code (UCC) as authorized in W.S. 34.1-9-526.

Section 23. Definitions. General Provisions.

~~(a) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.~~

~~(b) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.~~

~~(c) "Collateral" shall have the meaning prescribed by W.S. 34.1-9-1029(a)(xii).~~

~~(d) "Continuation statement" shall have the meaning prescribed by W. S. 34.1-9-102(a)(xxvii).~~

~~(e) "Correction statement" means a UCC record, filed before July 1, 2013, that indicates that a financing statement is inaccurate or wrongfully filed.~~

~~(f) "Debtor" shall have the meaning prescribed by W.S. 34.1-9-102(a)(xxviii).~~

~~(g) "File Number" shall have the meaning prescribed by W.S. 34.1-9-519.~~

~~(h) "Filing office" means an office designated in section 34.1-9-501 as the place to file a financing statement.~~

~~(i) "Financing statement" shall have the meaning prescribed by W.S. 34.1-9-102(a)(xxxix).~~

~~(j) "Individual" means a human being, or a decedent in the case of a debtor that is a decedent's estate.~~

~~(k) "Information statement" means a UCC record, filed on or after July 1, 2013, that indicates that a financing statement is inaccurate or wrongfully filed.~~

~~(l) "Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.~~

~~(m) "Internet Filing Service" or "UCC E System" means an on line filing service that provides authorized users with the capability to file all UCCs immediately and conduct searches that provide immediate results.~~

~~(n) "Organization" means a legal business entity who is not an individual.~~

~~(o) "Registered organization" shall have the meaning prescribed by W.S. 34.1 9-102(a)(lxxiii).~~

~~(p) "Remitter" means an individual or registered organization that tenders a UCC record to the filing officer for filing, whether the remitter is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include an individual or registered organization 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.~~

~~(q) "Secured party" shall have the meaning prescribed by W.S. 34.1 9-102(a)(lxxv).~~

~~(r) "Termination statement" shall have the meaning prescribed by W.S. 34.1 9-102(a)(lxxii).~~

~~(s) "UCC" means the Uniform Commercial Code as established by Title 34.1, Wyoming Statutes.~~

~~(t) "UCC1" means the form used for a new UCC filing.~~

~~(u) "UCC3" means the form used for a UCC amendment filing, which includes the following forms:~~

~~(i) Assignment;~~

~~(ii) Collateral Change;~~

~~(iii) Continuation Statement;~~

~~(iv) Debtor Change;~~

~~(v) Information Statement;~~

~~(vi) Secured Party Change; and~~

~~_____ (vii) Termination Statement.~~

~~_____ (v) "UCC5" means the form used for a UCC information statement filing.~~

~~_____ (w) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement.~~

(a) Definitions.

(i) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

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

(iii) "Correction statement" means a UCC record, filed before July 1, 2013, that indicates that a financing statement is inaccurate or wrongfully filed.

(iv) "Individual debtor name" means a human being, or a decedent in the case of a debtor that is a decedent's estate.

(v) "Information statement" means a UCC record, filed on or after July 1, 2013, that indicates that a financing statement is inaccurate or wrongfully filed.

(vi) "Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.

(vii) "Internet Filing Service" or "UCC E-Filing System" means an on-line filing service administered by the Secretary of State's Office that provides authorized users with the capability to file all UCC records immediately and conduct searches that provide immediate results.

(viii) "Organization debtor name" means a legal business entity who is not an individual.

(ix) "Remitter" means an individual or registered organization that tenders a UCC record to the filing officer for filing, whether the remitter is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include an individual or registered organization 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.

(x) “UCC1” means the form used for a new initial financing statement.

(xi) “UCC3” means the form used for a UCC amendment filing, which includes the following actions:

(A) Assignment: Full or Partial;

(B) Collateral: Add, Restate, or Delete;

(C) Continuation Statement;

(D) Debtor: Add, Change, or Delete;

(E) Information Statement (formerly known as correction statement);

(F) Secured Party: Add, Change, or Delete; and

(G) Termination Statement.

(xii) “UCC5” means the form used for a UCC information statement filing.

(xiii) “UCC record” means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement.

~~Section 4. Paper Filing Fees.~~

~~(a) The fee is \$5 for filing a termination statement which terminates an initial financing statement filed prior to July 1, 2001. If the initial financing statement is filed after July 1, 2011, there is no fee.~~

~~(b) The fee is \$30 for filing an initial financing statement. The fee is \$50 if there are more than four pages.~~

~~(c) The fee is \$15 for filing any amendment statement, except for a continuation statement, of one to four pages communicated on paper including faxes. If there are more than four pages, the fee is \$30. The remitter may file multiple UCC3 amendments to the same initial financing statement for one fee. For example, the following combinations of amendments, or portions thereof, may be made for one fee of \$15:~~

~~(i) Termination, assignment, debtor and/or collateral change;~~

~~(ii) Termination, assignment, secured party and/or collateral change; or~~

~~_____ (iii) Any other combination of amendments, excepting continuation statements.~~

~~_____ (d) The fee is \$30 for filing a continuation statement.~~

~~_____ (e) The fee is \$10 per debtor name for a UCC search.~~

~~_____ (f) The fee is 50 cents per page for a copy of a UCC record.~~

(b) Paper Filing Fees.

(i) There is no fee for filing a termination statement.

(ii) The fee is \$30 for filing an initial financing statement. The fee is \$60 if there are more than two (2) pages.

(iii) Except for a continuation, the fee is \$15 for filing any amendment on paper which contains up to two (2) pages.

(A) If there are more than two (2) pages, the fee is \$30.

(B) The remitter may file multiple UCC3 amendments to the same initial financing statement for one fee. For example, the following combinations of amendments, or portions thereof, may be made for one fee of \$15:

(I) Assignment, debtor and/or collateral amendments; or

(II) Assignment, secured party and/or collateral amendments.

(iv) The fee is \$30 for filing a continuation statement.

(v) The fee is \$10 per debtor name for a certified UCC search.

(vi) The fee is 50 cents per page for a copy of a UCC record.

~~_____ Section 5. **Electronic Filing Fees.**~~

~~_____ (a) The fee is \$15 for an initial financing statement.~~

~~_____ (b) The fee is \$7.50 for filing any amendment statement except for a continuation or information statement. Information statements are not permitted to be filed electronically. The remitter may file multiple UCC3 amendments to the same initial financing statement for one fee. For example, the following combinations of amendments, or portions thereof, may be made for one fee of \$7.50:~~

- ~~_____ (i) Termination, assignment, debtor and/or collateral change;~~
- ~~_____ (ii) Termination, assignment, secured party and/or collateral change; or~~
- ~~_____ (iii) Any other combination of amendments, excepting continuation and information statements.~~
- ~~_____ (c) There is no fee for filing a termination statement.~~
- ~~_____ (d) The fee is \$15 for filing a continuation statement.~~
- ~~_____ (e) The fee is \$0.00 per name for a UCC search.~~
- ~~_____ (f) The fee is \$150.00 annually for the Internet Filing Service (up to 10 users).~~
- ~~_____ (g) The fee is \$2,000 annually for the Internet Download Service.~~

(c) Electronic Filing Fees.

- (i) There is no fee for filing a termination statement.
- (ii) The fee is \$15 for an initial financing statement.
- (iii) Except for a continuation, the fee is \$7.50 for filing any amendment electronically.

(A) The remitter may file multiple UCC3 amendments to the same initial financing statement for one fee. For example, the following combinations of amendments, or portions thereof, may be made for one fee of \$7.50:

- (I) Assignment, debtor and/or collateral amendments; or
- (II) Assignment, secured party and/or collateral amendments.
- (iv) Continuation and information statements (correction statements) must be filed separately.
- (v) The fee is \$15 for filing a continuation statement.
- (vi) There is no fee for a UCC search.
- (vii) The fee is \$150.00 annually for the Internet Filing Service (up to ten (10) 10 users).

(viii) The fee is \$2,000 annually for the Internet Download Service (up to two (2) users).

~~Section 6. **Use of Forms.**~~

~~Acceptable forms are prescribed by the International Association of Commercial Administrators (IACA) forms which are available through the Wyoming Secretary of State's website at: <http://soswy.state.wy.us>~~

(d) Use of Forms.

(i) Acceptable forms are prescribed by the International Association of Commercial Administrators (IACA) forms which are available through the Forms section of the Wyoming Secretary of State's website at <http://sos.wyo.gov>.

Section 3. Acceptance and Refusal of UCC Records.

(a) Duty to File.

(i) The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial and the filing office bears no responsibility for the legal effectiveness of a filing. In accepting for filing or refusing to file a UCC record pursuant to these rules, the filing officer does none of the following:

(A) Determine the legal sufficiency or insufficiency of a UCC record.

(B) Determine that a security interest in collateral exists or does not exist.

(C) Determine that information in the UCC record is correct or incorrect, in whole or in part.

(D) Create a presumption that information in the UCC record is correct or incorrect, in whole or in part.

(ii) If a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should have been filed, the filing officer will file it and the effective date and time of filing which shall be the date and time the UCC record was originally tendered for filing.

(iii) If the filing officer finds grounds to refuse a UCC record, the filing officer shall return the record and communicate in writing, whether via hard copy or email

correspondence, the reasons for the rejection and the filing officer shall return or refund the filing fee.

Section 4. Filing Procedures.

(a) Filing and Data Entry Procedures.

(i) When entering information into the UCC system from paper UCC records, the debtor and/or secured party name(s) shall be entered exactly as set forth on the filing form even if it appears that the name of an individual debtor has been placed in the field designated for an organization debtor name, and vice versa.

(b) UCC Records Tendered for Filing.

(i) The time of filing for a UCC record filed electronically through on-line entry is the date and time the Wyoming UCC E-System accepts the filing.

(ii) For all UCC records delivered to the filing office:

(A) The time of filing shall be the date and time the UCC record is entered and accepted by the Wyoming UCC E-System, which in no event shall be later than two (2) business days after the filing office receives the record. No priority is given to UCC records received in the filing office.

(B) The email address associated with the filer of an initial financing statement or amendment may be provided on each filing to allow for the electronic transmittal of confirmation of filing for each paper filing filed by the filing office.

Section 5. Search Requests and Reports.

(a) General Requirements.

(i) The filing officer maintains a searchable index for all UCC records. The index shall provide for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement and each filed UCC record relating to the initial financing statement.

(ii) Search requests presented to the Secretary of State's Office shall be in written form which includes hard copy or electronic.

(iii) Search requests shall contain the full name of the debtor to be searched and the request must specify whether the debtor is an individual debtor name or an organization debtor name.

(b) Rules Applied to Certified Search Requests.

(i) Certified search results are produced by the application of standardized search logic. Human judgment does not play a role in determining the results of the search. The following logic apply to certified searches:

(A) There is no limit to the number of matches that may be returned in response to the search criteria.

(B) No distinction is made between upper and lower case letters.

(C) Punctuation marks and accents are disregarded.

(D) Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the ending noise words list are disregarded. The ending noise words list may be found on the Secretary of State's website at <https://ucc.wyo.gov>.

(E) The word "the" at the beginning of the search criteria is disregarded.

(F) All spaces are disregarded.

(G) For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials.

(I) Example: a search request for John A. Smith would cause the search to retrieve all filings against all individual debtor names with "John" as the first name, "Smith" as the last name, and the initial "A" or any name beginning with "A" in the middle name field.

(II) Example: a search request for J. A. Smith would cause the search to retrieve all filings against all individual debtor names with the initial "J" as the first name or any first name beginning with "J;" "Smith" as the last name; and the initial "A" or any name beginning with "A" in the middle name field.

(H) First name and no middle name or initial is equated with all middle names and initials.

(I) Example: a search request for "John Smith" (first and last names with no designation in the middle name field) would cause the search to retrieve all filings against individual debtor names with "John" as the first name; "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

(c) Certified Search Request Responses.

- (i) Results of certified search requests shall include:
 - (A) The certification of the filing office;
 - (B) Identification of the filing officer;
 - (C) The typed name of the filing officer in lieu of a signature;
 - (D) The date the report was generated;
 - (E) Identification of the name searched;
 - (F) The certification date and time for which the search is effective;
 - (G) Identification of each unlapsed initial financing statement filed on or prior to the certification date and time corresponding to the search criteria; and
 - (H) If requested, copies of all UCC records revealed by the search.

CHAPTER 2

Repealed

**Emergency rules are in effect no longer than 120 days after filing
with the Registrar of Rules.**

CHAPTER 2

Acceptance and Refusal of Documents

~~Section 1. Duty to File.~~

~~(a) The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial and the filing office bears no responsibility for the legal effectiveness of a filing. In accepting for filing or refusing to file a UCC record pursuant to these rules, the filing officer does none of the following:~~

~~(i) Determine the legal sufficiency or insufficiency of a document.~~

~~(ii) Determine that a security interest in collateral exists or does not exist.~~

~~(iii) Determine that information in the document is correct or incorrect, in whole or in part.~~

~~(iv) Create a presumption that information in the document is correct or incorrect, in whole or in part.~~

~~(b) Nothing in these rules prevents nor requires a filing officer from communicating to a remitter that the filing officer noticed apparent potential defects in a UCC record, whether or not it was filed or refused for filing.~~

~~(c) If a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should have been filed, the filing officer will file it and the effective date and time of filing which shall be the date and time the UCC record was originally tendered for filing.~~

~~(d) If the filing officer finds grounds to refuse a UCC document, the filing officer shall return the document and communicate in writing the reasons for the rejection and the filing officer shall return or refund the filing fee.~~

~~(e) The filing office shall require a remitter to provide the collateral description in a plain text file format if the collateral description exceeds 300 characters on a new UCC filing (UCC1) or an amendment to an existing UCC filing (UCC3). The collateral description may be provided via email, on a CD or USB flash drive or other media approved by the Secretary of State.~~

~~(f) Pursuant to the authority listed in W.S. 34-1-9-516(b), the filing officer shall reject a UCC record if the requirements of Section 1(e) of this Chapter are not met.~~

CHAPTER 3
Repealed

**Emergency rules are in effect no longer than 120 days after filing
with the Registrar of Rules.**

CHAPTER 3

Filing Procedures

~~Section 1. Filing and Data Entry Procedures.~~

~~(a) A filing shall designate whether a name is a name of an individual or an organization.~~

~~(i) Organization names are entered into the UCC E System exactly as set forth in the UCC record, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the block (data field) designated for an organization name.~~

~~(ii) On a form that designates separate blocks (data fields) for first, middle and last names and any suffix, the filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form.~~

~~Section 2. UCC Records Tendered for Filing.~~

~~(a) UCC records, excluding UCC5 information statements, may be transmitted electronically through on-line entry.~~

~~(b) The time of filing for a UCC record filed electronically through on-line entry is the date and time the Wyoming UCC E System accepts the filing.~~

~~(c) For all UCC records delivered to the filing office by personal delivery, courier delivery and postal delivery, the time for filing shall be the date and time the document is entered and accepted by the Wyoming UCC E System, which in no event shall be later than two business days after the filing office receives the record. No priority is given to documents hand delivered or received by mail or courier.~~

CHAPTER 4
Repealed

**Emergency rules are in effect no longer than 120 days after filing
with the Registrar of Rules.**

CHAPTER 4

Search Requests and Reports

~~Section 1. General Requirements.~~

~~(a) The filing officer maintains for public inspection a searchable index for all UCC records. The index shall provide for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement and each filed UCC document relating to the initial financing statement.~~

~~(b) Search requests presented to the Secretary of State's Office shall be in written form which includes letter, fax, or e-mail.~~

~~(c) Search requests shall contain the full name of the debtor to be searched and the request must specify whether the debtor is an individual or an organization.~~

~~Section 2. Rules applied to search requests.~~

~~(a) Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following rules apply to searches:~~

~~(i) There is no limit to the number of matches that may be returned in response to the search criteria.~~

~~(ii) No distinction is made between upper and lower case letters.~~

~~(iii) Punctuation marks and accents are disregarded.~~

~~(iv) Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the "Ending Noise Words" list as promulgated and adopted by the International Association of Commercial Administrators are disregarded. The "Ending Noise Words" list may be found on the Secretary of State's website at sos.wy.us/business/ucchome.aspx~~

~~(v) The word "the" at the beginning of the search criteria is disregarded.~~

~~(vi) All spaces are disregarded.~~

~~(vii) For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and first name and no middle name or initial is equated with all middle names and initials. For example, a search request for John A. Smith would cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and the initial "A" or any name beginning with "A" in the middle name field. If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.~~

~~Section 3. Certified search request responses.~~

~~(a) Certified search requests shall include:~~

~~(i) Identification of the filing officer and the certificate of the filing officer.~~

~~(ii) The date the report was generated.~~

~~(iii) Identification of the name searched.~~

~~(iv) The certification date and time for which the search is effective.~~

~~(v) Identification of each unlapsed initial financing statement filed on or prior to the certification date and time corresponding to the search criteria.~~

~~(vi) Copies of all UCC documents revealed by the search if requested by the searcher.~~