



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 24, 2015

Mr. Speaker:

The Business and Labor Committee reports a favorable recommendation on **2nd Sub. S.B. 93**, UNIFORM COMMERCIAL CODE FILING AMENDMENTS, by Senator L. Hillyard, with the following amendments and recommends it be placed on the Consent Calendar.

1. *Page 5, Lines 128 through 132*

128 information that the filing office considers appropriate. If the filing office concludes that the
129 record was **not authorized and was** caused to be communicated with the intent to harass or defraud the
affiant, the
130 filing office shall promptly file a termination statement under Subsection (3) that will be
131 effective immediately and send to the secured party of record the notice required by Subsection
132 (5). The secured party may thereafter file an action for reinstatement under Subsection (6), and

2. *Page 6, Line 179 through Page 7, Line 182*

179 (3) ~~{The}~~ **Except as provided in Section 70A-9a-513.5, the** filing office ~~{, as defined in~~
Section 70A-9a-513.5,} has no duty to form a belief
180 as to whether a record was caused to be communicated with the intent to harass or defraud the
181 person identified as debtor or for another unlawful purpose and has no duty to investigate or
182 ascertain facts relevant to whether the intent or purpose was present.

3. *Page 4, Lines 89 through 101*

89 (ii) regardless of whether the affiant seeks a review under Subsection (6)(a)(i), file an
90 action against the filing office seeking reinstatement of the financing statement to which the
91 filed record relates. =
(b) Within 10 days after being served with process in an action under this
92 Subsection (6), the filing office shall file a notice indicating that the action has been
93 commenced. The notice shall indicate the file number of the initial financing statement to

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94 which it relates.
95 ~~{(b)}~~ (c) If the affiant is not named as a defendant in the action described in Subsection
96 (6)(a)(ii), the secured party shall send a copy of the complaint to the affiant at the address
97 indicated in the affidavit. The exclusive venue for the action shall be in the Third District
98 Court. A party may petition the court to consider the matter on an expedited basis.
99 ~~{(c)}~~ (d) An action under this Subsection (6) must be filed before the expiration of six
100 months after the date on which the termination statement filed under Subsection (3) becomes
101 effective.

Respectfully,

Val L. Peterson
Committee Chair

Voting: 11-0-3

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