

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	03/24/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 4/15/2016

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
18	14	01	04, .06., 07
18	14	03	03

3. Name of Promulgating Authority

Department of Assessments and Taxation

4. Name of Regulations Coordinator	Telephone Number
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Title 18
DEPARTMENT OF ASSESSMENTS AND TAXATION
Subtitle 14 UNIFORM COMMERCIAL CODE

18.14.01 General Provisions

Subtitle 14 UNIFORM COMMERCIAL CODE

18.14.03 UCC Information Management System

Authority: Commercial Law Article, Sec. 9-525; Corporations & Associations Article,
Secs. 1-203(8) and 1-203.2, Annotated Code of Maryland

Notice of Proposed Action

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The Director of the Department of Assessments & Taxation proposes to amend Regulations .04, .06 and .07 under COMAR 18.14.01 General Provisions and amend Regulation .03 under COMAR 18.14.03 UCC Information Management System.

Statement of Purpose

The purpose of this action is to eliminate delivery by facsimile as a method to file UCC records, establish the file time for a UCC record delivered by electronic transmission, remove reference to a filing fee already covered by statute in Commercial Law Article, Sec. 9-525 and eliminate cash as a method of paying for UCC fees.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Heidi Dudderar, Associate Director, Department of Assessments & Taxation, 301 W. Preston Street, 8th Floor, Baltimore, MD 21201, or call

410-767-1249, or email to heidi.dudderar@maryland.gov, or fax to 410-333-5873.
Comments will be accepted through 5/17/16. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:
They are only making minimal ministerial changes or deleting fees already covered by statute.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

They are only making minimal ministerial changes or deleting fees already covered by statute.

G. Small Business Worksheet:

Attached Document:

Title 18

DEPARTMENT OF ASSESSMENTS AND TAXATION

Subtitle 14 UNIFORM COMMERCIAL CODE

Chapter 01 General Provisions

Authority: Commercial Law Article, §9-52[6]5; Corporations and Associations Article, §§1-203(8) and 1-203.2, Annotated Code of Maryland

.04 Date, Time, and Method of Filing.

A. Filing Methods.

(1) [UCC records may be tendered] The Filing Office may accept for filing by the methods specified in §A(2)—
(4) of this regulation.

(2) Hand Delivery to the Filing Office. The file time for a UCC record delivered by this method is the date and time of presentation of a paper record to a representative of the filing office.

(3) Postal Service or Express Mail Delivery to the Filing Office. The file time for a UCC record delivered by this method is the date the filing record is received and the time that is manually stamped on the filing by a representative of the filing office.

(4) [Telefacsimile Delivery to the Filing Office at the Filing Office's Fax Filing Telephone Number. 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 processed by the filing office or the close of the business day following the time of delivery.] Electronic Transmission to the Filing Office, Excluding Telefacsimile Transmission. The file time for a UCC record delivered by this method is the date and time the filing record is received.

B. The file times in §A of this regulation apply even though the UCC record may not yet have been accepted for filing and may be subsequently rejected.

.05 Forms. (No change.)

.06 Fees.

[A. Filing Fee. The fee for filing and indexing a UCC record of one to eight pages on paper is \$20. If there are additional pages and the record is communicated in writing, the fee is \$75.]

[B.] A. Expedited Service Fee. In addition to the fees set forth in §A of this regulation, the fee is \$50 for the expedited processing of a record as provided in Corporations and Associations Article, §§1-203(8) and 1-203.2, Annotated Code of Maryland[, and COMAR 18.04.08].

[C.] B. Copy Fees. In addition to the fees set forth in §A [and B] of this regulation, other fees are:

- (1) \$1 per page for a copy of a record;
- (2) \$6 to certify a copy of a record; and
- (3) \$20 per copy or per certified copy of each record provided by expedited service.

.07 Payment Methods.

A. Fees may be paid by the methods specified in §§B—[D] C of this regulation.

B. [Cash by Hand Delivery. Payment in cash is accepted if paid in person at the filing office.

C.] Checks by Hand Delivery, by Postal Service, or by Express Mail. Personal checks, cashier's checks, and money orders made payable to the filing office and presented by these methods of delivery are accepted by the filing office.

[D.] C. Debit Cards and Credit Cards [for Telefacsimile Delivery. The filing office accepts payment by MasterCard and Visa debit and credit cards for filings by telefacsimile].

Title 18

DEPARTMENT OF ASSESSMENTS AND TAXATION

Subtitle 14 UNIFORM COMMERCIAL CODE

CHAPTER 03 UCC Information Management System

Authority: Commercial Law Article, §9-526, Annotated Code of Maryland

.03 Processing and Data Entry Procedures.

A. Processing.

(1) Date and Time Stamp. The date and time of receipt are noted on the record or otherwise permanently associated with the record maintained for a UCC filing in the UCC information management system at the earliest possible time.

(2) [Cash Management.] Transactions necessary for processing payment of the filing fee are performed.

(3) Document Review.

(a) The filing office determines whether a ground exists to refuse the document under COMAR 18.14.02.01.

(b) File Stamp. If there is no ground for refusal of the document, the document is determined filed, and a label is affixed containing a file number, a unique acknowledgment number, and the file time and date. All such information contained on the label is permanently associated with the record maintained in the UCC information management system. The sequence of the file or acknowledgment number is not an indication of the order in which the document was received.

(c) Communication of Acceptance or Refusal.

(i) If a record tendered by hand for expedited service is accepted, a paper acknowledgment is delivered by hand to the presenter.

(ii) If a record tendered by hand for expedited service is refused, the record, the filing fee, and a notice of refusal are returned in person.

[(iii) If a record tendered by telefacsimile for expedited service is accepted or rejected, a paper acknowledgment or notice of refusal is sent by telefacsimile to the remitter.]

[(iv) (iii) If a record tendered by hand for non-expedited service is accepted or rejected, a paper acknowledgment or notice of refusal is sent via United States Postal Service first class mail.

[(v) (iv) If a record tendered by postal service, express mail, or any other means is accepted or rejected, a paper acknowledgment or notice of refusal is sent via United States Postal Service first class mail.

B. Data Entered Into Information Management System. (No change.)