

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 1074

(By Mr. Jerry)



PASSED March 13, 1971

In Effect ninety days from Passage



FILED IN THE OFFICE  
OF THE COMPTROLLER, BY  
S. F. HAYRY OF STATE  
THIS DATE 4-2-71

1074

**ENROLLED**  
**House Bill No. 1074**  
(By MR. TERRY)

[Passed March 13, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact section four hundred three, article nine, chapter forty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the uniform commercial code, secured transactions and the effective period of financing statements.

*Be it enacted by the Legislature of West Virginia:*

That section four hundred three, article nine, chapter forty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 9. SECURED TRANSACTIONS; SALES OF ACCOUNTS,  
CONTRACT RIGHTS AND CHATTEL PAPER.**

**§46-9-403. What constitutes filing; duration of filing, effect of  
lapsed filing; duties of filing officer.**

- 1 (1) Presentation for filing of a financing statement and
- 2 tender of the filing fee or acceptance of the statement

3 by the filing officer constitutes filing under this article.

4 (2) A filed financing statement which states a maturity  
5 date of the obligation secured of five years or less is  
6 effective until such maturity date and thereafter for a  
7 period of sixty days. Any other filed financing statement  
8 is effective for a period of five years from the date of  
9 filing. The effectiveness of a filed financing statement  
10 lapses on the expiration of such sixty-day period after  
11 a stated maturity date or on the expiration of such five-  
12 year period, as the case may be, unless a continuation  
13 statement is filed prior to the lapse. Upon such lapse  
14 the security interest becomes unperfected. A filed financ-  
15 ing statement which states that the obligation secured  
16 is payable on demand is effective for five years from the  
17 date of filing.

18 (3) A continuation statement may be filed by the  
19 secured party (i) within six months before and sixty  
20 days after a stated maturity date of five years or less,  
21 and (ii) otherwise within six months prior to the expira-  
22 tion of the five-year period specified in subsection (2).  
23 Any such continuation statement must be signed by the

24 secured party, identify the original statement by file  
25 number and state that the original statement is still  
26 effective. Upon timely filing of the continuation state-  
27 ment, the effectiveness of the original statement is con-  
28 tinued for five years after the last date to which the  
29 filing was effective whereupon it lapses in the same man-  
30 ner as provided in subsection (2) unless another contin-  
31 uation statement is filed prior to such lapse. Succeed-  
32 ing continuation statements may be filed in the same  
33 manner to continue the effectiveness of the original state-  
34 ment. Unless a statute on disposition of public records  
35 provides otherwise, the filing officer may remove a lapsed  
36 statement from the files and destroy it.

37 (4) A filing officer shall mark each statement with a  
38 consecutive file number and with the date and hour of  
39 filing and shall hold the statement for public inspection.  
40 In addition the filing officer shall index the statements  
41 according to the name of the debtor and shall note in  
42 the index the file number and the address of the debtor  
43 given in the statement.

44 (5) The uniform fee for filing, indexing and furnish-  
45 ing filing data for an original or a continuation state-  
46 ment shall be \$1.00.

47 (6) Notwithstanding any provision of this code to the  
48 contrary, a filed financing statement on public bond issues  
49 of counties, municipalities or public service districts of  
50 this state shall be effective for the life of such bond issues  
51 without the need for filing continuation statements.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Russell H. Beall  
Chairman Senate Committee

Thyllis J. Rutledge  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Myers  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

E. Hans McDown  
President of the Senate

Lewis N. McManus  
Speaker House of Delegates

The within approved this the 1st  
day of April, 1971.

Arch A. Shaver Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/22/71

Time 3:10 p.m.

RECEIVED

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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA