

FILED

2001 MAY -2 P 7:39

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2001*

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**ENROLLED**

SENATE BILL NO. 478

(By Senator Tomblin, Mr. President, et al)

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PASSED April 13, 2001

In Effect from Passage

FILED

2001 MAY -2 P 7:40

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

**Senate Bill No. 478**

(BY SENATORS TOMBLIN, MR. PRESIDENT, ANDERSON, BAILEY,  
BOWMAN, CHAFIN, EDGELL, FACEMYER, JACKSON, LOVE,  
MCCABE, PREZIOSO, SHARPE, SNYDER AND SPROUSE)

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[Passed April 13, 2001; in effect from passage.]

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AN ACT to amend and reenact section five hundred twenty-five, article nine, chapter forty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, as contained in chapter two hundred seventy-two, acts of the Legislature, regular session, two thousand, relating to the deposit of fees to be charged by the secretary of state.

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

That section five hundred twenty-five, article nine, chapter forty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, as contained in chapter two hundred seventy-two, acts of the Legislature of West Virginia, regular session, two thousand, be amended and reenacted to read as follows:

**ARTICLE 9. SECURED TRANSACTIONS.**

**§46-9-525. Fees.**

1 (a) *Initial financing statement or other record: general*  
2 *rule.* — Except as otherwise provided in subsection (e) of  
3 this section, the fee for filing and indexing a record under  
4 this part, other than an initial financing statement of the  
5 kind described in subsection (b) of this section, is the  
6 amount specified in subsection (c) of this section, if  
7 applicable, plus:

8 (1) Ten dollars if the record is communicated in writing  
9 and consists of one or two pages;

10 (2) Ten dollars if the record is communicated in writing  
11 and consists of more than two pages; and

12 (3) Ten dollars if the record is communicated by another  
13 medium authorized by filing-office rule.

14 (b) *Initial financing statement: Public-finance and*  
15 *manufactured housing transactions.* — Except as other-  
16 wise provided in subsection (e) of this section, the fee for  
17 filing and indexing an initial financing statement of the  
18 kind is the amount specified in subsection (c) of this  
19 section, if applicable, plus:

20 (1) Ten dollars if the financing statement indicates that  
21 it is filed in connection with a public-finance transaction;  
22 and

23 (2) Ten dollars if the financing statement indicates that  
24 it is filed in connection with a manufactured-home  
25 transaction.

26 (c) *Number of names.* — The number of names required  
27 to be indexed does not affect the amount of the fee in  
28 subsections (a) and (b) of this section.

29 (d) *Response to information request.* — The fee for  
30 responding to a request for information from the filing  
31 office, including for issuing a certificate showing whether  
32 there is on file any financing statement naming a particu-  
33 lar debtor, is:

34 (1) Five dollars if the request is communicated in  
35 writing;

36 (2) Five dollars if the request is communicated by  
37 another medium authorized by filing-office rule; and

38 (3) Fifty cents per page for each active lien.

39 (e) *Record of mortgage.* — This section does not require  
40 a fee with respect to a record of a mortgage which is  
41 effective as a financing statement filed as a fixture filing  
42 or as a financing statement covering as-extracted collat-  
43 eral or timber to be cut under section 9-502(c). However,  
44 the recording and satisfaction fees that otherwise would be  
45 applicable to the record of the mortgage apply.

46 (f) *Deposit of funds.* — All fees and moneys collected by  
47 the secretary of state pursuant to the provisions of this  
48 article shall be deposited by the secretary of state as  
49 follows: One-half shall be deposited in the state fund,  
50 general revenue, and one-half shall be deposited in the  
51 service fees and collections account established by section  
52 two, article one, chapter fifty-nine of this code for the  
53 operation of the office of the secretary of state. Any  
54 balance remaining on the thirtieth day of June, two  
55 thousand one, in the existing special revenue account  
56 entitled “uniform commercial code” as established by  
57 chapter two hundred four, acts of the Legislature, regular  
58 session one thousand nine hundred eighty-nine, shall be  
59 transferred to the service fees and collections account  
60 established by section two, article one, chapter fifty-nine  
61 of this code for the operation of the office of the secretary  
62 of state. The secretary of state shall dedicate sufficient  
63 resources from that fund or other funds to provide the  
64 services required in this article.

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

*[Handwritten Signature]*  
.....  
Chairman Senate Committee

*[Handwritten Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*[Handwritten Signature]*  
.....  
Clerk of the Senate

*[Handwritten Signature]*  
.....  
Clerk of the House of Delegates

*[Handwritten Signature]*  
.....  
President of the Senate

*[Handwritten Signature]*  
.....  
Speaker House of Delegates

The within *is approved* this the *2nd*  
Day of *May*, 2001.  
*[Handwritten Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/01

Time 5:04 pm