WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006

ENROLLED

House Bill No. 4458

(By Delegates Amores, Armstead, Morgan, Ellem and Schadler)

Passed March 9, 2006
In Effect Ninety Days from Passage
AN ACT to amend and reenact §11-12C-3 and §46-9-523 of the Code of West Virginia, 1931, as amended, relating to the sale of bulk data in electronic format from the Uniform Commercial Code and Corporation Data Bases electronically stored in the Secretary of State’s Office.

Be it enacted by the Legislature of West Virginia:

That §11-12C-3 and §46-9-523 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

CHAPTER 11. TAXATION.

ARTICLE 12C. CORPORATE LICENSE TAX.

§11-12C-3. Payment and collection of tax; deposit of money; return required.

1 (a) Payment and collection of tax. — When application is made to the secretary of state for a certificate of incorporation
or authority to do business in this state, the applicant shall pay all taxes and fees due under this article; and the secretary of state shall collect the corporate license tax for the first year before issuing the certificate. Thereafter, on or before the first day of the license tax year next following the date of the certificate, and on or before the first day of each succeeding license tax year, the corporation shall pay and the tax commissioner shall collect the tax for a full license tax year together with the statutory attorney fee: Provided, That if the application is made on or after the first day of the second month preceding the beginning of the next license tax year, and before the first day of the license tax year, the secretary of state shall collect the tax for the full year beginning on the first day of the next license tax year in addition to the initial tax, together with the statutory attorney fee.

(b) Deposit of money. — The first year license tax received by the secretary of state pursuant to the provisions of this article shall be deposited by the secretary of state as follows: One-half shall be deposited in the state general revenue fund and one-half shall be deposited in the services fees and collections account established by section two, article one, chapter fifty-nine of this code. The license tax received by the tax commissioner every year after the initial registration shall be deposited into the state general revenue fund.

(c) Returns. — Payment of the tax and statutory attorney fee required under the provisions of this section shall be accompanied by a return on forms provided by the tax commissioner for that purpose. The tax commissioner shall upon completion of processing the return, forward it to the secretary of state, together with a list of all corporations which have paid the tax. The return shall contain: (1) The address of the corporation’s principal office; (2) the names and mailing addresses of its officers and directors; (3) the name and mailing address of the person on whom notice of process may be served; (4) the
name and address of the corporation’s parent corporation and
of each subsidiary of the corporation licensed to do business in
this state; (5) the county or county code in which the principal
office address or mailing address of the company is located in;
(6) business class code; and (7) any other information the tax
commissioner considers appropriate. Notwithstanding any other
provision of law to the contrary, the secretary of state shall,
upon request of any person, disclose: (A) The address of the
corporation’s principal office; (B) the names and addresses of
its officers and directors; (C) the name and mailing address of
the person on whom notice of process may be served; (D) the
name and address of each subsidiary of the corporation and the
corporation’s parent corporation; (E) the county or county code
in which the principal office address or mailing address of the
company is located; and (F) the business class code.

(d) Purchase of data. — The Secretary of State will provide
electronically, for purchase, any data maintained in the Secre-
tary of State’s Business Organizations Database. For the
electronic purchase of the entire Business Organizations
Database, the cost is twelve thousand dollars and for the
electronic purchase of the monthly updates of the Business
Organizations Database the cost is one thousand dollars.

CHAPTER 46. UNIFORM COMMERCIAL CODE.

ARTICLE 9. SECURED TRANSACTIONS.

§46-9-523. Information from filing office; sale or license of re-
cords.

(a) Acknowledgment of filing written record. — If a person
that files a written record requests an acknowledgment of the
filing, the filing office shall send to the person an image of the
record showing the number assigned to the record pursuant to
section 9-519(a)(1) and the date and time of the filing of the
record. However, if the person furnishes a copy of the record to
the filing office, the filing office may instead:

(1) Note upon the copy the number assigned to the record
pursuant to section 9-519(a)(1) and the date and time of the
filing of the record; and

(2) Send the copy to the person.

(b) Acknowledgment of filing other record. — If a person
files a record other than a written record, the filing office shall
communicate to the person an acknowledgment that provides:

(1) The information in the record;

(2) The number assigned to the record pursuant to section
9-519(a)(1); and

(3) The date and time of the filing of the record.

(c) Communication of requested information. — The filing
office shall communicate or otherwise make available in a
record the following information to any person that requests it:

(1) Whether there is on file on a date and time specified by
the filing office, but not a date earlier than three business days
before the filing office receives the request, any financing
statement that:

(A) Designates a particular debtor;

(B) Has not lapsed under section 9-515 with respect to all
secured parties of record; and

(C) If the request so states, has lapsed under section 9-515
and a record of which is maintained by the filing office under
section 9-522(a);
(2) The date and time of filing of each financing statement; and

(3) The information provided in each financing statement.

(d) *Medium for communicating information.* - In complying with its duty under subsection (c) of this section, the filing office may communicate information in any medium. However, if requested, the filing office shall communicate information by issuing its written certificate.

(e) *Timeliness of filing office performance.* - The filing office shall perform the acts required by subsections (a) through (d), inclusive, of this section at the time and in the manner prescribed by filing-office rule, but not later than two business days after the filing office receives the request.

(f) *Public availability of records.* - At least weekly, the secretary of state shall offer to sell or license to the public on a nonexclusive basis, in bulk, copies of all records filed in it under this part, in every medium from time to time available to the filing office. The Secretary of State will provide electronically, for purchase, any data maintained in the Secretary of State’s UCC Bulk Sale Database. The cost for purchase of the UCC Bulk Database in the electronic medium shall be as follows:

(1) the entire UCC Bulk Sale Database - twelve thousand, three hundred and sixty;

(2) the weekly updates of the UCC Bulk Sale Database - two hundred and fifty eight dollars, and

(3) the weekly updates of the UCC Bulk Sale Database in monthly form — one thousand and thirty dollars.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within was approved this the 3rd day of April, 2006.

Governor