

Enrolled House Bill 2084

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Secretary of State Bill Bradbury)

CHAPTER

AN ACT

Relating to notice requirements for financing statements filed with the Secretary of State; creating new provisions; and amending ORS 79.0515.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 79.0515 is amended to read:

79.0515. (1) Except as otherwise provided in subsections (2), (5), (6) and (7) of this section, a filed financing statement is effective for a period of five years after the date of filing.

(2) Except as otherwise provided in subsections (5), (6) and (7) of this section, an initial financing statement filed in connection with a public-finance transaction is effective for a period of 30 years after the date of filing if it indicates that it is filed in connection with a public-finance transaction.

(3) The effectiveness of a filed financing statement lapses on the expiration of the period of its effectiveness unless before the lapse a continuation statement is filed pursuant to subsection (4) of this section. Upon lapse, a financing statement ceases to be effective and any security interest or agricultural lien that was perfected by the financing statement becomes unperfected, unless the security interest is perfected otherwise. If the security interest or agricultural lien becomes unperfected upon lapse, it is deemed never to have been perfected as against a purchaser of the collateral for value.

(4) A continuation statement may be filed only within six months before the expiration of the five-year period specified in subsection (1) of this section or the 30-year period specified in subsection (2) of this section, whichever is applicable.

(5) Except as otherwise provided in ORS 79.0510, upon timely filing of a continuation statement, the effectiveness of the initial financing statement continues for a period of five years commencing on the day on which the financing statement would have become ineffective in the absence of the filing. Upon the expiration of the five-year period, the financing statement lapses in the same manner as provided in subsection (3) of this section, unless, before the lapse, another continuation statement is filed pursuant to subsection (4) of this section. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial financing statement.

(6) If a debtor is a transmitting utility and a filed financing statement so indicates, the financing statement is effective until a termination statement is filed.

(7) A record of a mortgage that is effective as a financing statement filed as a fixture filing under ORS 79.0502 (3) remains effective as a financing statement filed as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real property.

[(8) Not less than three months or more than six months before the expiration of any financing statement, effective financing statement as defined in ORS 80.100 or continuation thereof, the Secretary of State shall mail a renewal notice to the secured party or assignee of record, if any, at the address indicated on the financing statement, effective financing statement, assignment thereof or amendment thereto. The renewal notice shall include:]

[(a) The file number and expiration date of the financing statement or effective financing statement;]

[(b) The name of the debtor; and]

[(c) A statement that the financing statement or effective financing statement may be continued by filing a continuation statement or initial financing statement under section 191 or 192, chapter 445, Oregon Laws 2001.]

(8) The Secretary of State upon request shall provide a renewal notice report to a secured party by electronic mail or other electronic means. The renewal notice report must include:

(a) The file number and expiration date for each financing statement or effective financing statement, as defined in ORS 80.100, or a continuation of the financing statement or effective financing statement, that:

(A) Lists the secured party; and

(B) Will expire within a period that begins 90 days after the date of the notice and ends one year after the date of the notice;

(b) The name of the debtor;

(c) A statement that to continue the financing statement or effective financing statement, the secured party may file a continuation statement or an initial financing statement under section 191 or 192, chapter 445, Oregon Laws 2001; and

(d) Other information that the Secretary of State specifies by rule.

SECTION 2. The amendments to ORS 79.0515 by section 1 of this 2009 Act apply to financing statements and effective financing statements filed with the office of the Secretary of State before, on or after the effective date of this 2009 Act.

Passed by House June 1, 2009

Received by Governor:

Repassed by House June 16, 2009

.....M.,....., 2009

Approved:

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Chief Clerk of House

.....M.,....., 2009

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Speaker of House

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Governor

Passed by Senate June 12, 2009

Filed in Office of Secretary of State:

.....M.,....., 2009

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President of Senate

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Secretary of State