2003 - 2004 LEGISLATURE

Sev N-By 6/27/03

**2003 BILL** 

LRB-2648/\$\frac{2}{RJM:kmg:pg}

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Jun. Cot.

AN ACT to renumber 409.528 (1); to amend 409.520 (1) and 409.523 (3) (intro.);

to repeal and recreate 409.521; and to create 409.102(1)(pd) and 409.528

(1) (b) of the statutes; relating to: privacy of information dontained in Uniform

Commercial Code financing statements.

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### Analysis by the Legislative Reference Bureau

Currently, to perfect certain types of security interests under the Uniform Commercial Code (UCC), a secured party must file a financing statement with the appropriate filing office. These financing statements are made available to the public, generally for the purpose of facilitating commercial transactions. In addition, the Department of Financial Institutions (DFI), in cooperation with the registers of deeds in this state, maintains a statewide lien system which, among other things, allows public access to these financing statements through the Internet.

Gurrent law specifies certain information that must be included in these financing statements, including a description of the collateral covered by the financing statement or an indication that the financing statement covers all assets or all personal property of the debtor.

This bill prohibits DFI from disclosing through the Internet any description of collateral in a financing statement that contains personal information. The bill defines "personal information" to mean an individual's social security number, motor vehicle operator's license number, financial account number, or financial account balance or an organization's employer identification number. For purposes of

requires

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making information contained in such a financing statement available to the public through the Internet, DFL must replace the description of collateral with the following statement: "THE INDICATION OF COLLATERAL IN THIS FINANCING STATEMENT CONTAINS PERSONAL INFORMATION THAT MAY NOT BE VIEWED OVER THE INTERNET. YOU MAY OBTAIN A COMPLETE COPY OF THE FINANCING STATEMENT FROM THE APPLICABLE FILING OFFICE UNDER S. 409.501, STATS."

Current law generally provides for the use of a standard, national form for these financing statements. This standard form contains a box where an individual debtor's social security number or organizational debtor's employer identification number may be recorded. However, because a social security number is not required under Wisconsin law, the standard form generally in use in this state also includes a notice that an individual's social security number is not required in Wisconsin.

in chile, in This bill amends the standard form generally in use in this state so as to Exprinate the box where a social security number or employer identification number may be recorded. In addition, the bill prohibits DFI from disclosing through the Internet any social security number or employer identification number listed in a financing statement. For purposes of making information contained in such a financing statement available to the public through the Internet, DFI must replace the social security number or employer identification number with the statement "SSN ON FILE" or "EIN ON FILE," whichever is appropriate,

For further information see the state and local fiscal estimate, which will be to include a lafter in the postartion for these financing statements

printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**SECTION 1.** 409.102 (1) (pd) of the statutes is created to read:

409.102 (1) (pd) "Personal information" means an individual's social-security number, motor vehicle operator's license number, financial account number, or financial account balance or an organization's employer identification number.

SECTION 2. 409.520 (1) of the statutes is amended to read:

409.520 (1) MANDATORY REFUSAL TO ACCEPT RECORD. A filing office shall refuse to accept a record for filing for a reason set forth in s. 409.516 (2) and may refuse to accept a record for filing only for a reason set forth in s. 409.516 (2). The presence or absence of a social security number on a form of record providing for the insertion

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of a social security number as such shall not affect the decision of the filing affice to 1 2 accept or refuse the record for filing.

**Section 3.** 409.521 of the statutes is repealed and recreated to read:

409.521 Uniform form of written financing statement and amendment.

(1) INITIAL FINANCING STATEMENT FORM. A filing office that accepts written records may not refuse to accept a written initial financing statement in the following form (publishing

7 and format except for a reason set forth in s. 409.516 (2):

& I DENTIFICATION) in subs. (Dave B) the department of financial motifications shall include a statement, where applicable, that (nothforward) a social security number is not regimed under Wiscomm law.

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or employer identification,

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1b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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ADD'L INFO RE 10. TYPE OF ORGANIZATION ORGANIZATION DEBTOR	11. JURISDICTION OF ORGANIZATION	1g. ORGANIZATIONAL ID #, If any	
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2b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	lourny
MAILING ADDRESS	CITY		SUFFIX
ADD'LINFO RE   20. TYPE OF ORGANIZATION		STATE POSTAL CODE	COUNTRY
ORGANIZATION DEBTOR		2g. ORGANIZATIONAL ID #, If any	NONE
SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGN 3a. ORGANIZATION'S NAME	IOR S/P) - Insert only <u>one</u> secured party name (3a o	(3b) ·	
3b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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AMENDMENT FORM. A filing office that accepts written records may not refuse

to accept a written record in the following form and format except for a reason set

3 forth in s. 409.516 (2):

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UC	C FINANCING STATEMEN	NT AMENDMENT AD	DENDUM						
FOL	FOLLOW INSTRUCTIONS (front and back) CAREFULLY								
11.	11. INITIAL FINANCING STATEMENT FILE # (same as item 1a on Amendment form)								
12.	NAME OF PARTY AUTHORIZING THIS	AMENDMENT (same as item 9 on A	mendment form)						
	12a. ORGANIZATION'S NAME								
OR		1							
0,1	12b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX						

13. Use this space for additional information

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

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S	ECTION 4.	409.523 (3)	(intro.)	of the statutes is	amended	to read:

409.523 (3) COMMUNICATION OF REQUESTED INFORMATION. (intro.) The Except as provided in s. 409.528 (1) (b), the filing office shall communicate or otherwise make available in a record the following information to any person that requests it:

**SECTION 5.** 409,528 (1) of the statutes is renumbered 409.528 (1) (a).

SECTION 6. 409.528 (1) (b) of the statutes is created to read:

409.528 (1) (b) 1. If an indication of collateral in a financing statement under s. 409.504 (1) contains personal information, the department may not make the indication of collateral available to the public through the Internet. Only for purposes of making information contained in such a financing statement available to the public through the Internet, the department shall replace the indication of collateral with the following statement: "THE INDICATION OF COLLATERAL IN THIS FINANCING STATEMENT CONTAINS PERSONAL INFORMATION THAT MAY NOT BE VIEWED OVER THE INTERNET. YOU MAY OBTAIN A STATEMENT COMPLETE COPY O₽′ THE FINANCING FROM THE APPLICABLE FILING/OFFICE UNDER S. 409.501, STATS."

2. If a financing statement contains an individual's social security number or an organization's employer identification number, other than in an indication of collateral under s. 409.504 (1), the department may not make the social security number or employer identification number available to the public through the Internet. Only for purposes of making information contained in such a financing statement available to the public through the Internet, the department shall replace the social security number or employer identification number with the statement "SSN ON FILE" or "EIN ON FILE," respectively.

SECTION 7. Initial applicability.

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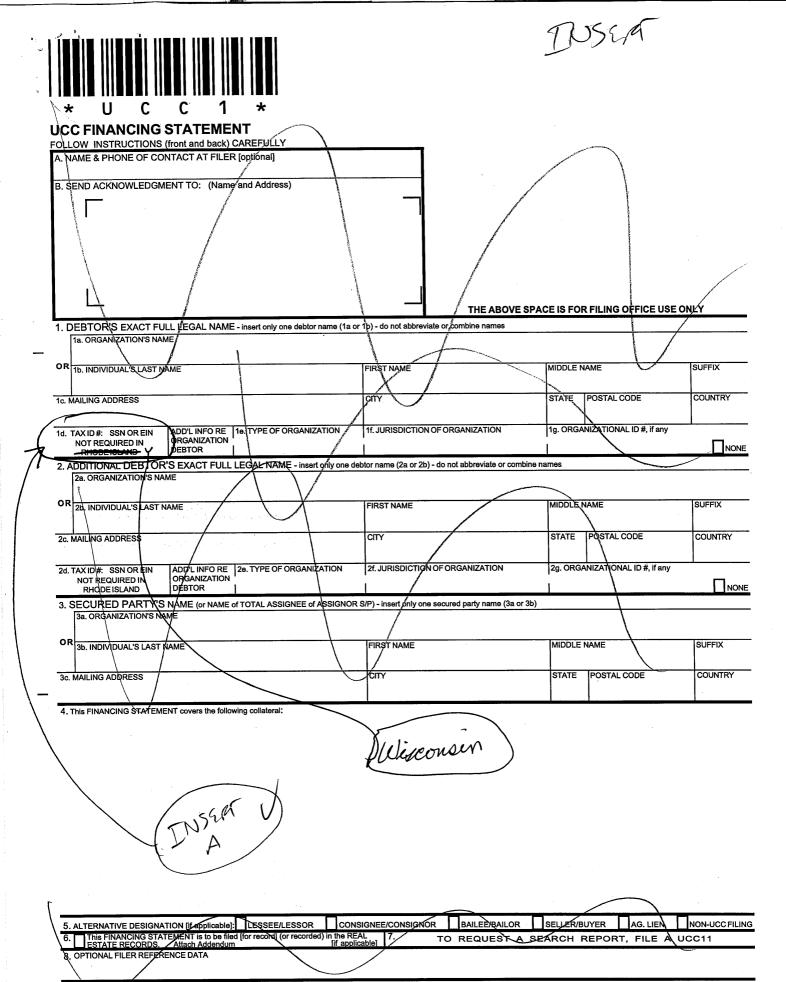
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(1) This act first applies to financing statements filed on the effective date of
this subsection.

### SECTION 8. Effective date.

(1) This act takes effect on the first day of the 8th month beginning after publication.

(END)



LRB-2648/2ins A

### 2003–2004 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

<u>Ins. 4–0</u>

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2d. 1	TAX ID#: SSN OR EIN NOT REQUIRED IN WISCONSIN ECURED PARTY'S 38. ORGANIZATION'S N	ORGANIZATION DEBTOR NAME (or NAME	<u>i                                     </u>		  -  S/P) - Insert only <u>o</u>		2g. ORG/		
d. T	TAX ID#: SSN OR EIN NOT REQUIRED IN WISCONSIN EGURED PARTY'S	ORGANIZATION DEBTOR NAME (or NAME	<u>i                                     </u>		<u> </u>		2g. ORG/		
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DR Bc. N	TAX ID#: SSN OR EIN NOT REQUIRED IN WISCONSIN ECURED PARTY'S 3a. ORGANIZATION'S N. 3b. INDIVIDUAL'S LAST ( IAILING ADDRESS	ORGANIZATION DEBTOR NAME (or NAME of NAME	TOTAL ASSIGNEE of		  S/P) - Insert only or  -  FIRST NAME		2g. ORGA	NAME	SUFFIX
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d. 7 N.S	TAX ID#: SSN OR EIN NOT REQUIRED IN WISCONSIN ECURED PARTY'S 3a. ORGANIZATION'S N. 3b. INDIVIDUAL'S LAST ( IAILING ADDRESS	ORGANIZATION DEBTOR NAME (or NAME of NAME	TOTAL ASSIGNEE of		  S/P) - Insert only or  -  FIRST NAME		2g. ORGA	NAME	SUFFIX
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13.	This FINANCING STATEM	ENT covers tir	nber to be	cut or as-extracted	16.	Addition	na! collatera	al descr	iction:			
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		**								,		
15.	Name and address of a Ri (if Debtor does not have a	ECORD OWNER of record interest):	above-des	cribed real estate								
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## <u>Ins. 7–0</u>

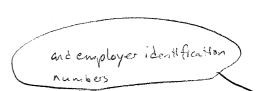
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**2003 - 2004 LEGISLATURE** 

(SON).

**2003 BILL** 

LRB-2648/2-RJM:kmg:jf



AN ACT *to renumber* 409.528 (1); *to amend* 409.520 (1) and 409.523 (3) (intro.);

to repeal and recreate 409.521; and to create 409.102 (1) (pd) and 409.528

(1) (b) of the statutes; relating to: inclusion of social security numbers in

Uniform Commercial Code financing statements.

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### Analysis by the Legislative Reference Bureau

Currently, to perfect certain types of security interests under the Uniform Commercial Code (UCC), a secured party must file a financing statement with the appropriate filing office. These financing statements are made available to the public, generally for the purpose of facilitating commercial transactions. In addition, the Department of Financial Institutions (DFI), in cooperation with the registers of deeds in this state, maintains a statewide lien system which, among other things, allows public access to these financing statements through the Internet.

Current law generally provides for the use of a standard, national form for these financing statements. This standard form contains a box where an individual debtor's social security number or organizational debtor's employer identification number may be recorded. However, because a social security number is not required under Wisconsin law, the standard form generally in use in this state also includes a notice that an individual's social security number is not required in Wisconsin.

This bill amends the standard form generally in use in this state so as to include, in the box where a social security number or employer identification number may be recorded, a statement that these numbers are not required in Wisconsin. In

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addition, the bill requires DFI to include a notice in the instructions for these financing statements indicting that these numbers are not required in Wisconsin.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

# The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**Section 1.** 409.521 of the statutes is repealed and recreated to read:

### 409.521 Uniform form of written financing statement and amendment.

- (1) TAX IDENTIFICATION NUMBER. In publishing instructions for the forms specified in subs. (2) and (3), the department of financial institutions shall include a statement, where applicable, that inclusion of a social security number or employer identification number is not required under Wisconsin law.
- **(2)** Initial financing statement form. A filing office that accepts written records may not refuse to accept a written initial financing statement in the following form and format except for a reason set forth in s. 409.516 (2):

JCC FINANCING						
OLLOW INSTRUCTIONS A. NAME & PHONE OF CO						
B. SEND ACKNOWLEDGM	IENT TO: (Nam	ne and Address)				
		<b>-</b>	<b>⊣</b>			
1						
			THE ABOVE	SPACE IS FO	R FILING OFFICE US	SE ONLY
1. DEBTOR'S EXACT FU 1a. ORGANIZATION'S NAP	LL LEGAL NAM	E - insert only <u>one</u> debtor name (1a	or 1b) - do not abbreviate or combine names			
OR 16. INDIVIDUAL'S LAST N.	AME	· · · · · · · · · · · · · · · · · · ·	FIRST NAME	I was as as		
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	CONSIGNEE/CONSIGNOR BAILEE/BAILO	R SELLER/BUYER	AG. LIEN NON-UCCFILING
<ol> <li>This FINANCING STATEMENT is to be filed [for record] (or recorded) in ESTATE RECORDS. Attach Addendum</li> </ol>	the REAL 7. Check to REQUEST SEARCH RE	EPORT(S) on Debtor(s)	All Debtors Debtor 1 Debtor 2
8. OPTIONAL FILER REFERENCE DATA		TODIKOTAII:	All Debicis   Debici   Debici 2

UCC FINANCING STATEMENT ADDENDUM FOLLOW INSTRUCTIONS (front and back) CAREFULLY					
9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STAT	EMENT				
9a. ORGANIZATION'S NAME					
OR 96. INDIVIDUAL'S LAST NAME FIRST NAME	MIDDLE NAME, SUFFIX				
10.MISCELLANEOUS:					
		THE ABOVE S	SPACE	S FOR FILING OFFICE	HEE ONLY
11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one na	me (11a or 11b) - do not abbrev			OT ON TIEM OF PICE	USE ONLY
11a. ORGANIZATION'S NAME		and of sometime names			
OR 11b. INDIVIDUAL'S LAST NAME	FIRST NAME		MIDDLE N	NAME	SUFFIX
					100,71%
11c. MAILING ADDRESS	СПУ		STATE	POSTAL CODE	COUNTRY
11d. TAX IDH: SSN OR EIN NOT REQUIRED IN ORGANIZATION ORGANIZATION DEBTOR   11e. TYPE OF ORGANIZATION	11f. JURISDICTION OF ORGANIZATION		11g. ORG	ANIZATIONAL ID #, If any	NONE
12. ADDITIONAL SECURED PARTY'S or ASSIGNOR S/P'S 128. ORGANIZATION'S NAME	NAME - insert only one name	(12a or 12b)			
OR 125. INDIVIDUAL'S LAST NAME	T				
12D. INDIVIDUALS LAST NAME	FIRST NAME	MIDDLE NAME		NAME	SUFFIX
12c. MAILING ADDRESS	ату		STATE	POSTAL CODE	COUNTRY
This FINANCING STATEMENT covers timber to be cut or as-extracted collateral, or is filed as a fixture filing.  14. Description of real estate:	16. Additional collateral descri	ptión:			
•					
			·		
Name and address of a RECORD OWNER of above-described real estate (if Debtor does not have a record interest):				,	
·					
	17. Check only if applicable and check only one box.  Debtor is a Trust or Trustee acting with respect to property held in trust or Decedent's E.  18. Check only if applicable and check only one box.				
					Decedent's Estate
					ne box.
	Flied in connection with a l		ansaction	- effective 30 years	
	Filed in connection with a i	Public-Finance Transac	tion — ef	fective 30 years	

- 1 (3) Amendment form. A filing office that accepts written records may not refuse
- 2 to accept a written record in the following form and format except for a reason set
- 3 forth in s. 409.516 (2):

		•					*
UCC FINANCING STA	TEME	NTAMENDMENT	•				
FOLLOW INSTRUCTIONS (front a	and back) (	CAREFULLY					
A. NAME & PHONE OF CONTAC	I AT PILE	i (optional)					,
B. SEND ACKNOWLEDGMENT T	O: (Name	and Address)	-				
					٠		
			1				
·				THE ABOVE SPA	CE IS FOF	FILING OFFICE USE OF	NLY
1a. INITIAL FINANCING STATEMENT	FILE#				1b. This	FINANCING STATEMENT AM filed [for record] (or recorded	ENDMENT is
- Fleenski troti, en a		1 - 04 - 4 4 1 - 400 - 4 - 5 2 4 - 4		mand to assembly ledges of the E	REAL	ESTATE RECORDS.	
		ancing Statement identified above is te Financing Statement identified above					
continued for the additional per	riod provided	by applicable law.					
		e of assignee in Item 7a or 7b and add					
5. AMENDMENT (PARTY INFO		: This Amendment affects Debto provide appropriate information in iten		ed Party of record. Check only on	<u>e</u> of these tv	vo boxes.	
CHANGE name and/or address:	: Give currer	nt record name in Item 6a or 6b; also g for new address (if address change) in	ive new	DELETE name: Give record name to be deleted in item 6a or 6b.	ADI	O name: Complete item 7a or 17c; also complete items 7d-7	7b, and also
6. CURRENT RECORD INFORMA		or new address in address change, in	ttom 70.	to be decide in noin of the do.	L. I KON	, re, also complete nema 74-7	g (ii appioable).
6a. ORGANIZATION'S NAME							
OR 65. INDIVIDUAL'S LAST NAME			FIRST NAME		MIDDLE N	IAME	SUFFIX
7. CHANGED (NEW) OR ADDED I	NFORMATI	ON;					
78, UHGANIZATION S NAME							
76. INDIVIDUAL'S LAST NAME			FIRST NAME		MIDDLE	NAME	SUFFIX
							00111177711
7c. MAILING ADDRESS			CITY		STATE	POSTAL CODE	COUNTRY
7d. TAX ID#: SSN OR EIN ADD	L INFO RE	76. TYPE OF ORGANIZATION	7f.JURISDICTK	ON OF ORGANIZATION	7g. ORGA	NIZATIONAL ID #, If any	
7d. TAX ID#: SSN OR EIN NOT REQUIRED IN WISCONSIN DEBI	ANIZATION FOR	·					NONE
8. AMENDMENT (COLLATERA		· -					
Describe collateral deleted or	added,	or give entire restated collateral	description, or o	fescribe collateralassigned.			
		•	•				
9. NAME OF SECURED PART	TY of REC	ORD AUTHORIZING THIS AME	NDMENT (name	e of assignor, If this is an Assignme	ent). If this is	an Amendment authorized by	a Debtor which
adds collateral or adds the authoriz		or if this is a Termination authorized b					
9a. ORGANIZATION'S NAME		•					
OR 96. INDIVIDUAL'S LAST NAME	<del> </del>	· · · · · · · · · · · · · · · · · · ·	FIRST NAME		MIDDLE	NAME	SUFFIX
		<u> </u>					
10.OPTIONAL FILER REFERENCE D	DATA						

UCC FINANCING STATEMENT AMENDMENT ADDENDUM FOLLOW INSTRUCTIONS (front and back) CAREFULLY							
_	11. INITIALFINANCING STATEMENT FILE # (same as item 1a on Amendment form)						
12.	12. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)						
	12a. ORGANIZATION'S NAM	E					
OR	12b. INDIVIDUAL'S LAST N	IAME FIF	AST NAME	MIDDLE NAME, SUFFIX			

13. Use this space for additional information

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

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<b>SECTION</b>	2.	Initial	anı	nlica	hility
OLCITOR	⊶.	AIIICICA	up		ADJALL Y.

(1) This act first applies to financing statements filed on the effective date of this subsection.

### **SECTION 3. Effective date.**

(1) This act takes effect on the first day of the 8th month beginning after publication.

(END)

### Basford, Sarah

From:

Sent:

To:

Subject:

Popp, Sarah Thursday, July 24, 2003 4:42 PM LRB.Legal Draft review: LRB 03-2648/3 Topic: Privacy of UCC filings

It has been requested by <Popp, Sarah> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2648/3 Topic: Privacy of UCC filings