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**TITLE 655. SECRETARY OF STATE
CHAPTER 15. CENTRAL FILING SYSTEM FOR AGRICULTURAL LIENS**

SUBCHAPTER 1. GENERAL PROVISIONS

655:15-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of establishing procedures and guidelines for filing Effective Financing Statements on agricultural products. Procedures and guidelines are also set forth for distributing information about liens.

655:15-1-2. Definitions

In addition to terms defined in 12A O.S., Section 1-9-320.2, the following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

“**Effective Financing Statement**” or “**EFS**” means a form filed with the Central Filing System that identifies particular farm products of a person or business that are subject to a lien.

655:15-1-3. Office location; mailing address; telephone number; hours [REVOKED]

655:15-1-4. Fees

Fees related to the Central Filing System for Agricultural Liens are set forth in 28 O.S. § 111. The annual fee to receive the master list on computer disk is \$250. The annual fee for Internet access to master list records is \$200.00.

655:15-1-5. Central data processing system [REVOKED]

655:15-1-6. Forms

(a) Forms to be utilized in the Central Filing System are as follows:

- (1) EFS-1 (original filing).
- (2) EFS-2 (amendment, assignment, continuation, partial release or termination).
- (3) Buyer Registration Form.
- (4) Registration Agreement Form.
- (5) Information Request Form.
- (6) Debtor Complaint Form
- (7) Update Secured Party Information

(b) All EFS filings must be submitted on forms approved by the Oklahoma Secretary of State. A list of companies who distribute EFS forms will be provided upon request. EFS, Buyer Registration and Information Request forms are available upon request from the Central Filing System Office or from the Secretary of State website, www.sos.state.ok.us, Agricultural Liens section.

655:15-1-7. Receipt of notice [REVOKED]

655:15-1-8. Immunity from liability

If a buyer, commission merchant or selling agent, purchasing or selling farm products in the ordinary course of business from or for a person engaged in farming operations, has otherwise complied with the requirements of Title 12A O.S., Section 1-9-320.1 et seq., and this chapter, he will not be liable for errors or inaccuracies generated by the Central Filing System. [12A:1-9-320-5]

655:15-1-9. Open records; reproduction; certification fees [REVOKED]

655:15-1-10. Preservation of records [REVOKED]

655:15-1-11. System effective date [REVOKED]

655:15-1-12. Farm product codes

Oklahoma legislation defines farm products as an *agricultural commodity such as wheat, corn, or soybeans, or a species of livestock such as cattle, hogs, sheep, horses, or poultry used or produced in farming operations, or a product of such crop or livestock in its unmanufactured state (such as ginned cotton, wool-clip, maple syrup, milk and eggs), that is in the possession of the person engaged in farming operations* [12A:1-9-320.2(e)]. The product code table is updated as necessary. To receive a current product code listing, county code listing, or to add a new product to the list, contact the Central Filing System Office. The lists of Oklahoma Counties and codes as well as products covered by the Central Filing System and their related codes are also available from the companies who distribute EFS forms.

SUBCHAPTER 3. EFFECTIVE FINANCING STATEMENT (EFS)

655:15-3-1. Filing and processing Effective Financing Statements

(a) **Filing.** Filing will be accomplished when an Effective Financing Statement is accepted by the Secretary of State. An EFS indicates that a secured party has a security interest in certain agricultural products of a debtor.

(b) **Information required on an EFS.**

(1) New filings (EFS-1) must contain the information as set forth in 12A O.S. § 1-9-320.2(d). If the county-produced code is not filled in, the “00” entry will be filled in by Central Filing System staff.

(2) All subsequent EFS filings must refer to the original EFS file number and date. Filing instructions are included with each EFS form.

(3) There is a limit of twenty (20) product listings per EFS filing.

(c) **Updating secured party information.** If a secured party changes their name or mailing address, or if a change in ownership changes the federal tax identification number, they must notify the Central Filing System Office in writing of the change and the date the change became effective.

(d) **Public Inspection of EFS records.** All filed, active EFS records will be available for public

inspection during business hours at the Office of the Secretary of State, Central Filing System Office.

655:15-3-2. UCC filing requirements

The filing of the EFS with the Secretary of State is in addition to the UCC filing requirements for perfection provided in Title 12A, Oklahoma Statutes Section 1-9-501. [12A:1-9-320.6(6)]

655:15-3-3. Existing UCC filings [REVOKED]

655:15-3-4. Effective period of EFS

An EFS will be *effective for a period of five (5) years from the date of filing, subject to extensions for additional periods of five (5) years each by refiling or filing a continuation statement within six (6) months before the expiration of the initial five-year period* [12A:1-9-320.2(d)(vi)]. An EFS is removed from the active files if a continuation has not been accepted prior to the expiration of the current filing period.

655:15-3-5. Amendment of EFS [REVOKED]

655:15-3-6. Termination statement

(a) The secured party must *file a termination statement within twenty (20) days after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value* [12A:1-9-320.6(8)]. Failure to file such termination statement subjects the secured party to a statutory fine of \$500.00 to be paid to the Secretary of State. In addition, the secured party is liable for *any loss caused to the debtor by such failure to terminate* [12A:1-9-320-6(8)].

(b) *The Attorney General shall be responsible for enforcing...[this section] on behalf of the Secretary of State and is authorized to take appropriate actions to collect any penalties owed to the Secretary of State...*[12A:1-9-320.6(9)].

(c) A termination statement is not required to be filed if the debtor requests in writing to the secured party that the termination not be filed. The debtor or his authorized representative must sign this request.

(d) If a termination has not been filed when required, a debtor may submit a Debtor Complaint form to the Central Filing System for enforcement of 12A:1-9-320.6.

SUBCHAPTER 5. MASTER LIST AND BUYER REGISTRATION

655:15-5-1. Compilation of master list

The Secretary of State compiles all EFS' into a master list of agricultural lien information. “**Master List**” is the complete list of active EFS’ on file, portions of which are mailed or made available electronically each month to registered buyers.

(1) All active effective financing statements including those accepted for filing within the Office of the Secretary of State on or before the 20th day of each month will be included on the monthly master list. Terminated and expired records are removed from the master list.

655:15-5-2. Buyer, Commission Merchant and Selling Agent registration

- (a) **Registration form.** Each buyer registration form must be properly completed, signed and submitted with the correct fee before it can be accepted for filing.
- (b) **Registration Agreement Form.** A properly completed and signed Registration Agreement form is also required as a part of the registration.
- (c) **Protection.** Protection of buyers of farm products, commission merchants and selling agents afforded by the Central Filing System is addressed in [12A:1-9-320.4] and [12A:1-9-320.6(d)].
- (d) **Effective date of registration.** All buyer registrations accepted for filing within the Office of the Secretary of State on or before the 20th day of each month will begin their registration that month. All buyer registrations received in the Office of the Secretary of State after the 20th day of the month will be registered to begin receiving the master lists distributed the next month. These deadlines are necessary in order to ensure system capture of registrants and ample time for preparation and distribution of information.
- (e) **Duration of registration.** The registration is effective for twelve months. Registrants must file a buyer registration form annually and pay the required fee to continue receiving lien information. Registrants are responsible for the timely renewal of their registrations.
- (f) **Amendment of registration.** Registrants wishing to change the products and/or counties requested from the master list must file an amendment to their buyer registration.
- (g) **Legislative conflicts.** Conflicts between the Oklahoma and Federal legislation have been brought to the attention of registrants by inclusion of the following statement on buyer registration forms: "Oklahoma law at present purports to limit the right of secured parties to give direct notification to buyers, commission merchants, and selling agents of a security interest. These provisions conflict with the provisions for direct notification in 7 U.S.C. 1631, as to matters in interstate commerce or otherwise subject to Federal jurisdiction. Therefore, until there is a clarification of the law, if you disregard direct notification, you do so at your own risk."

655:15-5-3. Written pre-notification [REVOKED]

655:15-5-4. Distribution of master list

The information requested at the time of registration will be distributed or made available electronically on or before the last working day of each month. Such lists are presumed to have been received no later than the third business day of the following month.

655:15-5-5. Subject to security interest [REVOKED]

SUBCHAPTER 7. DISCLOSURE OF INFORMATION

655:15-7-1. Oral and written inquiries for confirmation of record

Inquiries to the Central filing System may be made orally or in writing. Written inquiries may be submitted on the Agricultural Lien Information Request Form or in the form of a letter and may be submitted by mail, electronic mail, fax, or the lien search may be requested from the Secretary of State website.

655:15-7-2. Exemption from liability for Secretary of State [REVOKED]