

355.9-520 Acceptance and refusal to accept record.

- (1) A filing office shall refuse to accept a record for filing for a reason set forth in KRS 355.9-516(2) and may refuse to accept a record for filing only for a reason set forth in KRS 355.9-516(2) or 355.9-518.
- (2) If a filing office refuses to accept a record for filing, it shall communicate to the person that presented the record the fact of and reason for the refusal and the date and time the record would have been filed had the filing office accepted it. The communication must be made at the time and in the manner prescribed by filing-office rule but in no event more than two (2) business days after the filing office receives the record.
- (3) A filed financing statement satisfying KRS 355.9-502(1) and (2) is effective, even if the filing office is required to refuse to accept it for filing under subsection (1) of this section or refuses to accept for filing for a reason set forth in this section or KRS 355.9-518. However, KRS 355.9-338 applies to a filed financing statement providing information described in KRS 355.9-516(2)(e) which is incorrect at the time the financing statement is filed.
- (4) If a record communicated to a filing office provides information that relates to more than one (1) debtor, this part of this article applies as to each debtor separately.

Effective: July 1, 2013

History: Amended 2012 Ky. Acts ch. 132, sec. 87, effective July 1, 2013. -- Created 2000 Ky. Acts ch. 408, sec. 111, effective July 1, 2001.

Legislative Research Commission Note (3/14/2013). 2013 Ky. Acts ch. 10, secs. 2 and 3 provide that the statutes in Article 9 of the Uniform Commercial Code that were amended or created in 2012 Ky. Acts ch. 132, secs. 60 to 99, are effective July 1, 2013. This statute was one of those sections. Since only the effective date of a prior Act was altered, and not the text of the affected statutes, reference to 2013 Ky. Acts ch. 10 does not appear in the history for this statute.

Legislative Research Commission Note (7/12/2012). In 2010, the National Conference of Commissioners on Uniform State Laws and the American Law Institute proposed a Uniform Act for adoption by the states that contained revisions to Article 9 of the Uniform Commercial Code. The effective date for all proposed Article 9 revisions was to be July 1, 2013. Those revisions were enacted in 2012 Ky. Acts Chapter 132, Sections 60 to 99. Sections 60 to 90 contained the substantive Article 9 revisions, and Sections 91 to 99 contained the transitional Article 9 revisions created to handle secured transactions made prior to July 1, 2013. Section 91 of that Act (codified as KRS 355.9-801) and Section 102 of that Act (a noncodified effective date provision) both stated, "Sections 91 to 99 of this Act take effect July 1, 2013." The normal effective date for legislation enacted at the 2012 Regular Session of the General Assembly is July 12, 2012. In Opinion of the Attorney General 12-010, issued July 3, 2012, Section 91 (codified as KRS 355.9-801) was determined to have contained a manifest clerical error, and should have instead read, "Sections 60 to 90 of this Act take effect July 1, 2013," thereby making the substantive Article 9 revisions effective on the same date as the transitional Article 9 provisions in conformity with the 2010 Uniform Act proposal and 2012 Ky. Acts Chapter 132, Section 102. This statute was one of the substantive provisions of Article 9 contained in 2012 Ky. Acts Chapter 132, Sections 60 to 90.