

5  
HB 4458

FILED

2006 APR -3 P 3: 29

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# 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

FILED

2006 APR -3 P 3: 29

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**E N R O L L E D**

**H. B. 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
- 2 made to the secretary of state for a certificate of incorporation

3 or authority to do business in this state, the applicant shall pay  
4 all taxes and fees due under this article; and the secretary of  
5 state shall collect the corporate license tax for the first year  
6 before issuing the certificate. Thereafter, on or before the first  
7 day of the license tax year next following the date of the  
8 certificate, and on or before the first day of each succeeding  
9 license tax year, the corporation shall pay and the tax commis-  
10 sioner shall collect the tax for a full license tax year together  
11 with the statutory attorney fee: *Provided*, That if the application  
12 is made on or after the first day of the second month preceding  
13 the beginning of the next license tax year, and before the first  
14 day of the license tax year, the secretary of state shall collect  
15 the tax for the full year beginning on the first day of the next  
16 license tax year in addition to the initial tax, together with the  
17 statutory attorney fee.

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

27 (c) *Returns.* — Payment of the tax and statutory attorney  
28 fee required under the provisions of this section shall be  
29 accompanied by a return on forms provided by the tax commis-  
30 sioner for that purpose. The tax commissioner shall upon  
31 completion of processing the return, forward it to the secretary  
32 of state, together with a list of all corporations which have paid  
33 the tax. The return shall contain: (1) The address of the corpora-  
34 tion's principal office; (2) the names and mailing addresses of  
35 its officers and directors; (3) the name and mailing address of  
36 the person on whom notice of process may be served; (4) the

37 name and address of the corporation's parent corporation and  
38 of each subsidiary of the corporation licensed to do business in  
39 this state; (5) the county or county code in which the principal  
40 office address or mailing address of the company is located in;  
41 (6) business class code; and (7) any other information the tax  
42 commissioner considers appropriate. Notwithstanding any other  
43 provision of law to the contrary, the secretary of state shall,  
44 upon request of any person, disclose: (A) The address of the  
45 corporation's principal office; (B) the names and addresses of  
46 its officers and directors; (C) the name and mailing address of  
47 the person on whom notice of process may be served; (D) the  
48 name and address of each subsidiary of the corporation and the  
49 corporation's parent corporation; (E) the county or county code  
50 in which the principal office address or mailing address of the  
51 company is located; and (F) the business class code.

52 (d) *Purchase of data.* — The Secretary of State will provide  
53 electronically, for purchase, any data maintained in the Secre-  
54 tary of State's Business Organizations Database. For the  
55 electronic purchase of the entire Business Organizations  
56 Database, the cost is twelve thousand dollars and for the  
57 electronic purchase of the monthly updates of the Business  
58 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 records.

1 (a) *Acknowledgment of filing written record.* — If a person  
2 that files a written record requests an acknowledgment of the  
3 filing, the filing office shall send to the person an image of the  
4 record showing the number assigned to the record pursuant to  
5 section 9-519(a)(1) and the date and time of the filing of the

6 record. However, if the person furnishes a copy of the record to  
7 the filing office, the filing office may instead:

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

11 (2) Send the copy to the person.

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

15 (1) The information in the record;

16 (2) The number assigned to the record pursuant to section  
17 9-519(a)(1); and

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

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

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

26 (A) Designates a particular debtor;

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

29 (C) If the request so states, has lapsed under section 9-515  
30 and a record of which is maintained by the filing office under  
31 section 9-522(a);

32 (2) The date and time of filing of each financing statement;  
33 and

34 (3) The information provided in each financing statement.

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

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

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

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

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

58 (3) the weekly updates of the UCC Bulk Sale Database in  
59 monthly form — one thousand and thirty dollars.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

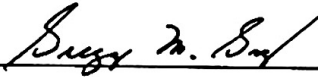
  
\_\_\_\_\_  
Chairman Senate Committee

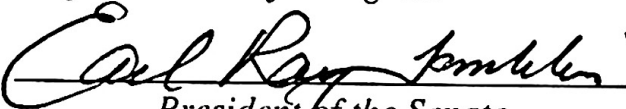
  
\_\_\_\_\_  
Chairman House Committee

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

PRESENTED TO THE  
GOVERNOR

MAR 23 2006

Time 3:25 p