

CHAPTER 1007

H.B. No. 2241

AN ACT

relating to certain fees paid to the secretary of state.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 9.403(e), Business & Commerce Code, is amended to read as follows:

(e) The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement, *for an amendment*, or for a continuation statement shall be \$10 [~~\$5~~] if the statement is in the standard form prescribed by the Secretary of State and otherwise shall be \$25 [~~\$15~~], plus in each case, *if the financing statement sets forth the name of more than one debtor, a fee of \$5 for the indexing of each additional debtor name*, and if the financing statement is subject to Subsection (e) of Section 9.402, an amount equal to the fee prescribed by law for recording and indexing in the real property records of the county clerk.

SECTION 2. Section 9.404(c), Business & Commerce Code, is amended to read as follows:

(c) If the termination statement is in the standard form prescribed by the Secretary of State, the uniform fee for filing and indexing the termination statement shall be \$10 [~~\$5~~], and otherwise shall be \$25 [~~\$15~~], plus, in each case where the original financing statement was filed pursuant to Subsection (e) of Section 9.402, an amount equal to the fee prescribed by law for recording and indexing in the real property records of the county clerk.

SECTION 3. Section 9.405(b), Business & Commerce Code, is amended to read as follows:

(b) A secured party may assign of record all or a part of his rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement, or in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like (including oil and gas) or accounts subject to Subsection (e) of Section 9.103, he shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, he shall index the assignment of the financing statement under the name of the assignee. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment shall be \$10 [\$5] if the statement is in the standard form prescribed by the Secretary of State and otherwise shall be \$25 [\$15]. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (Subsection (f) of Section 9.402) may be made only by an assignment of the mortgage in the manner provided by the law of this state other than this code.

SECTION 4. Section 9.406, Business & Commerce Code, is amended to read as follows:

Sec. 9.406. RELEASE OF COLLATERAL; DUTIES OF FILING OFFICER; FEES. A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with Subsection (b) of Section 9.405, including payment of the required fee. Upon presentation of such a statement of release to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release shall be \$10 [\$5] if the statement is in the standard form prescribed by the Secretary of State and otherwise shall be \$25 [\$15], plus, in each case where the original financing statement was filed pursuant to Subsection (e) of Section 9.402, an amount equal to the fee prescribed by law for recording and indexing in the real property records of the county clerk.

SECTION 5. Section 9.407(b), Business & Commerce Code, is amended to read as follows:

(b) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The filing officer of a county is required only to provide information about financing statements and statements of assignment on file in the financing statement records of the county and is not required to provide information from the real estate records of the county. The uniform fee for such a certificate shall be \$10 [~~\$5.00~~] if the request for the certificate is in the standard form prescribed by the Secretary of State and otherwise shall be \$25 [~~\$10.00~~]. If a certificate issued by the filing officer of a county contains listings for more than 10 statements, the filing officer shall add 50 cents to the uniform fee for each statement in excess of 10. Upon request the filing officer shall furnish a copy of any filed financing statement or

(11) Filing statement of change of registered office or registered agent, or both, Ten Dollars (\$10.00).

(12) Filing statement of change of address of registered agent, Ten Dollars (\$10.00); provided, however, that the maximum fee for simultaneous filings by a registered agent for more than one corporation shall not exceed Five Hundred Dollars (\$500.00).

(13) Filing statement of resolution establishing series of shares, Ten Dollars (\$10.00).

(14) Filing statement of cancellation of redeemable shares, Ten Dollars (\$10.00).

(15) Filing statement of cancellation of re-acquired shares, Ten Dollars (\$10.00).

(16) Filing statement of reduction of stated capital, Ten Dollars (\$10.00).

(17) Filing articles of dissolution and issuing certificate therefor, Twenty-Five Dollars (\$25.00).

(18) Filing application for withdrawal and issuing certificate therefor, Ten Dollars (\$10.00).

(19) Filing certificate from home state that foreign corporation is no longer in existence in said state, Ten Dollars (\$10.00).

(20) Maintaining a record of service of any process, notice or demand upon the Secretary of State as agent for foreign and domestic corporations and for any foreign association, joint stock company, partnership, or nonresident natural person, *Twenty-Five Dollars (\$25.00)* [~~Ten Dollars (\$10.00)~~].

(21) Filing a bylaw or agreement restricting transfer of shares or securities other than as an amendment to the articles of incorporation, Ten Dollars (\$10.00).

(22) Filing any instrument pursuant to this Act not expressly provided for above, Ten Dollars (\$10.00).

(23) Filing application for reinstatement of corporate charter or certificate of authority following forfeiture under the Tax Code, Fifty Dollars (\$50.00).

SECTION 10. Section A, Article 9.03, Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), is amended to read as follows:

A. The Secretary of State shall charge and collect for:

(1) Filing articles of incorporation and issuing a certificate of incorporation, Twenty-five Dollars (\$25); ~~provided that the filing fee in the case of a church shall be Ten Dollars (\$10)~~.

(2) Filing articles of amendment and issuing a certificate of amendment, Twenty-five Dollars (\$25); ~~provided that the filing fee in the case of a church shall be Ten Dollars (\$10)~~.

(3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, Fifty Dollars (\$50).

(4) Filing a statement of change of address of registered office or change of registered agent, or both, Five Dollars (\$5).

(5) Filing articles of dissolution, Five Dollars (\$5).

(6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, Twenty-five Dollars (\$25).

(7) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, Twenty-five Dollars (\$25).

(8) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, Five Dollars (\$5).

(9) Filing any other statement or report of a domestic or foreign corporation, Five Dollars (\$5).

(10) Filing restatement of articles of incorporation, Fifty Dollars (\$50); ~~provided that the filing fee in the case of a church shall be Twenty Dollars (\$20)~~.

SECTION 11. Section 4(c), Automobile Club Services Act (Article 1528d, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) The first year's annual license fee in the amount of *One Hundred Fifty Dollars (\$150)* [~~One Hundred Dollars (\$100)~~] shall accompany such application.

SECTION 12. Sections 5 and 6, Automobile Club Services Act (Article 1528d, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 5. CERTIFICATE OF AUTHORITY—ANNUAL RENEWAL REQUIRED. Every certificate of authority issued hereunder shall expire annually on August 31, of each year unless sooner revoked or suspended as hereinafter provided and application for renewal of such certificate of authority shall be filed upon such forms as are provided by the Secretary of State and shall contain such information as the Secretary of State may prescribe. The annual license fee for renewal of such certificate of authority shall be *One Hundred Fifty Dollars (\$150)* [~~One Hundred Dollars (\$100)~~].

Sec. 6. REGISTRATION OF SALESMEN OR AGENTS. Each and every Automobile Club operating in this State pursuant to a certificate of authority issued hereunder shall within thirty (30) days of the date of employment, file with the Secretary of State a notice of appointment of salesmen or agents by an Automobile Club to sell memberships in the Automobile Club to the public. This notification shall be upon such form as the Secretary of State may prescribe and shall contain the name, address, age, sex and social security number of such salesman or agent, and also contain proof satisfactory to the Secretary of State that such applicant is of good moral character. Upon termination of any salesman's or agent's employment by an Automobile Club, such Automobile Club shall within thirty (30) days thereafter notify the Secretary of State of such termination. The registration fee for salesmen or agents of Automobile Clubs shall be *Ten Dollars (\$10)* [~~Five Dollars (\$5)~~] annually and shall be renewed each twelve (12) months after its issuance.

SECTION 13. Section 1, Article 3914, Revised Statutes, is amended to read as follows:

Sec. 1. The Secretary of State is authorized and required to charge for the use of the State the following other fees:

- (1) For a notary public commission, Ten Dollars (\$10).
- (2) For each official certificate, *Ten Dollars (\$10)* [~~Five Dollars (\$5)~~].
- (3) For a certified copy of a record in this office, One Dollar (\$1) per page and *Five Dollars (\$5)* [~~One Dollar (\$1)~~] for certification.

SECTION 14. Article 3914, Revised Statutes, is amended by adding Section 4 to read as follows:

Sec. 4. (a) *The Secretary of State may charge for purchases of public information by commercial users an additional amount, established by the Secretary of State, based on employees' time in providing the information.*

(b) *For the purposes of this section "commercial user" means a purchaser of microfilm, microfiche, computer tapes, or computer printouts for the purpose of selling, advertising, or distributing a commodity or rendering professional or personal services.*

SECTION 15. Section 4, Article 5949, Revised Statutes, is amended to read as follows:

4. Fees. At the time of such qualification the applicant shall forward to the Secretary of State:

- (1) a fee of *Ten (\$10.00)* [~~Four (\$4.00)~~] Dollars for approving and filing the bond of such Notary Public;
- (2) the fee allowed by law to the Secretary of State for issuing a commission to such Notary Public; and
- (3) a fee of *One (\$1.00) Dollar* [~~Fifty (50¢) Cents~~] to be appropriated to and used by the Secretary of State for the exclusive purposes of hiring an investigator and for preparing and distributing the materials required to be supplied under Section 5 of this article.

SECTION 16. This Act applies only to a fee becoming due on or after the effective date of this Act. A fee becoming due before the effective date of this Act is governed by

the law in effect when the fee became due, and that law is continued in effect for that purpose.

SECTION 17. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 15, 1987, by the following vote: Yeas 144, Nays 0, 1 present, not voting. Passed by the Senate on May 23, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective June 19, 1987.