

**RULES
OF
THE TENNESSEE DEPARTMENT OF STATE
DIVISION OF BUSINESS SERVICES**

**CHAPTER 1360-08-02
UNIFORM COMMERCIAL CODE
ACCEPTANCE AND REFUSAL OF DOCUMENTS**

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1360-08-02-.01 ROLE OF FILING OFFICER. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC record pursuant to these rules, the filing officer does not determine the legal sufficiency or insufficiency of the UCC record or determine that information in the record is correct or incorrect, in whole or in part. Accepting for filing or refusing to file a UCC record does not create a presumption that information in the UCC record is correct or incorrect, in whole or in part.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 47-9-516, 47-9-519, and 47-9-526 and 2012 Tenn. Pub. Acts Ch. 708. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001. Repeal and new rule filed March 19, 2013; effective June 17, 2013.

1360-08-02-.02 TIME FOR FILING A CONTINUATION STATEMENT.

- (1) First Day Permitted. The first date on which a continuation statement may be filed is the date six months preceding the date on which such financing statement would lapse. If there is no such corresponding date, the first date on which a continuation statement may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse. The foregoing rule is subject to the ability of the filing office to take delivery of the continuation statement as tendered and to Rule 1360-08-01-.02.
- (2) Last Day Permitted. The last day on which a continuation statement may be filed is the date upon which the related financing statement lapses. The foregoing rule is subject to the ability of the filing office to take delivery of the continuation statement as tendered and to Rule 1360-08-01-.02. Accordingly, the time of filing of the continuation statement under Rule 1360-08-01-.02 must be on or prior to such last day and delivery by certain means of communication may not be available on such last day if the filing office is not open for business on such day.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 47-9-515, and 47-9-526 and 2012 Tenn. Pub. Acts Ch. 708. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001. Repeal and new rule filed March 19, 2013; effective June 17, 2013.

1360-08-02-.03 GROUNDS FOR REFUSAL.

- (1) In addition to refusing a record for any of the reasons set forth in T.C.A. § 47-9-516, a filing officer shall refuse to accept a UCC record that does not provide an address that meets the minimum requirements set forth in Rule 1360-08-01-.01(b).

(Rule 1360-08-02-.03, continued)

- (2) A document shall be refused if the document is accompanied by less than the full applicable filing fee plus the recording tax under T.C.A. § 67-4-409(b), if any, based on the representation of indebtedness required thereunder, and if payment is not tendered by a method described in Rule 1360-08-01-.07.
- (3) Indebtedness (recording) tax language. An initial financing statement or an amendment that increases indebtedness shall be refused if the record does not contain, either on its face or in an accompanying sworn statement, the language required under T.C.A. § 67-4-409(b)(6)(D) with respect to the recording tax imposed under T.C.A. § 67-4-409(b), if any.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 47-9-516, 47-9-520(a), 47-9-526, and 67-4-409 and 2012 Tenn. Pub. Acts Ch. 708. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001. Repeal and new rule filed March 19, 2013; effective June 17, 2013. Amendments filed September 5, 2023; effective December 4, 2023.

1360-08-02-.04 PROCEDURE UPON REFUSAL. Except as provided in Rule 1360-08-01-.08, if the filing officer finds grounds to refuse a UCC record, the filing officer shall return the filing fee and recording tax, if any. Communication of the refusal, the reason(s) for the refusal, and other related information will be made to the remitter as soon as practicable and in no event more than two (2) business days after the refused UCC record was received by the filing office, by the same means by which such UCC record was delivered to the filing office or by mail or such more expeditious means as the filing office shall determine. Records of refusal, including a copy of the refused UCC record and the ground(s) for refusal, shall be maintained for a period of five (5) years from the initial rejection date.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 47-9-520, and 47-9-526 and 2012 Tenn. Pub. Acts Ch. 708. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001. Repeal and new rule filed March 19, 2013; effective June 17, 2013.

1360-08-02-.05 REFUSAL ERRORS. If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused under Rule 1360-08-02-.03, the filing officer will file the UCC record with the filing date and time the UCC record was originally tendered for filing. A filing officer statement relating to the relevant initial financing statement will be placed in the UCC information management system on the date that the corrective action was taken. The filing officer statement must provide the date of the correction and explain the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 47-9-516(d), 47-9-518, and 47-9-526 and 2012 Tenn. Pub. Acts Ch. 708. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001. Repeal and new rule filed March 19, 2013; effective June 17, 2013.

1360-08-02-.06 NOTIFICATION OF DEFECTS. Nothing in these rules prevents a filing officer from communicating to a remitter that the filing officer noticed apparent potential defects in a UCC record, whether it was filed or refused for filing. The filing office is, however, under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and remitters, and the filing office bears no responsibility for such effectiveness.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 47-9-520, and 47-9-526 and 2012 Tenn. Pub. Acts Ch. 708. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001. Repeal and new rule filed March 19, 2013; effective June 17, 2013.

1360-08-02-.07 REPEALED.

Authority: 2012 Tenn. Pub. Acts Ch. 708. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001. Repeal filed March 19, 2013; effective June 17, 2013.

1360-08-02-.08 REPEALED.

Authority: 2012 Tenn. Pub. Acts Ch. 708. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001. Repeal filed March 19, 2013; effective June 17, 2013.

1360-08-02-.09 REPEALED.

Authority: 2012 Tenn. Pub. Acts Ch. 708. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001. Repeal filed March 19, 2013; effective June 17, 2013.