

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 381

Introduced by Pahls, 31

Read first time January 16, 2007

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to farm product liens; to amend section
2 52-1316, Reissue Revised Statutes of Nebraska; to
3 eliminate oral requests for information as prescribed; to
4 harmonize provisions; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 52-1316, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 52-1316 (1) ~~Oral and written~~ Written inquiries regarding
4 information provided by the filing of effective financing
5 statements may be made at any county clerk's office or the office
6 of the Secretary of State during regular business hours. The
7 fee for furnishing file information shall be four dollars and
8 fifty cents for each debtor name searched by the county clerk or
9 Secretary of State. Written confirmation of an ~~oral or written~~
10 inquiry shall be mailed no later than the end of the next business
11 day after the inquiry is received.

12 (2) The Secretary of State shall provide a system that
13 assigns an identifying number to each inquiry made pursuant to
14 subsection (1) of this section. Such number shall be ~~given to the~~
15 ~~inquiring party at the time of the oral response and shall be~~
16 included in the written confirmation. The Secretary of State and
17 the county clerks shall maintain a record of written inquiries made
18 under this section identifying who made the inquiry, on whom the
19 inquiry was made, and the date of the inquiry.

20 (3) The Secretary of State may provide for a computerized
21 system for inquiry and confirmation which may be used in lieu of
22 the inquiry and confirmation under subsection (1) of this section.
23 When such a system is implemented and used, it shall have the same
24 effect as an inquiry and confirmation under subsection (1) of this
25 section.

1 (4) There shall be no fee charged for actual inspection
2 of records of effective financing statements kept by the county
3 clerk or the Secretary of State for the inspection of ten names
4 or less per day by a single person. There shall be a uniform fee,
5 in addition to any other charge for services payable to the county
6 clerk or the Secretary of State, of one dollar per name for each
7 inspection in excess of ten names per day by a single person.

8 (5) The county clerk and Secretary of State and their
9 employees or agents shall be exempt from all personal liability
10 as a result of any error or omission in providing information as
11 required by this section except in cases of willful misconduct or
12 gross negligence.

13 (6) Fees received pursuant to this section by county
14 clerks shall be deposited in the county general fund. Of the fees
15 received pursuant to this section by the Secretary of State for
16 furnishing file information by electronic or other means, three
17 dollars and fifty cents of each fee shall be deposited in the
18 Uniform Commercial Code Cash Fund and one dollar of each fee shall
19 be deposited in the Records Management Cash Fund.

20 Sec. 2. Original section 52-1316, Reissue Revised
21 Statutes of Nebraska, is repealed.