Chapter DFI−CCS 2

ACCEPTANCE AND REFUSAL OF DOCUMENTS

Note: Chapter DFI−CCS 2 was created as an emergency rule effective 10−24−01.

DFI–CCS 2.01   Role of filing officer. The duties and responsibilities of the filing officer with respect to the administration of the UCC shall be ministerial. In accepting for filing or refusing to file a UCC document, the filing officer shall not do any of the following:

(1) Determine the legal sufficiency or insufficiency of a document.

(2) Determine that a security interest in collateral exists or does not exist.

(3) Determine that information in the document is correct or incorrect, in whole or in part.

(4) Create a presumption that information in the document is correct or incorrect, in whole or in part.

History: CR 01−122: cr. Register February 2002 No. 554, eff. 3−1−02.

DFI–CCS 2.02   Duty to file. Provided that there is no ground to refuse acceptance of the document under s. DFI−CCS 2.03, a UCC document shall be filed upon its receipt by the filing officer with the filing fee, and the filing officer shall promptly assign a file number to the UCC document and index the document in the information management system.

History: CR 01−122: cr. Register February 2002 No. 554, eff. 3−1−02.

DFI–CCS 2.03   Grounds for refusal of UCC document. The following grounds shall be the sole grounds for the filing officer's refusal to accept a UCC document for filing:

(1) REQUIRED FORMAT.   (a)   All information that shall be indexed shall be in characters that appear on a standard computer keyboard. All information shall be in American Standard Code for Information Exchange ("ASCII") character set. Only A through Z, 0 (zero) through 9, and "&" shall be considered searchable characters. All other characters shall be treated as punctuation.

(b) Filings shall contain all information necessary for acceptance, shall be clearly identified, and shall be labeled in a manner readily apparent to the filing officer.

(c) The documentation shall be headed by one of the titles listed in the following subdivisions, indicating that it should be filed in that UCC index category, or accompanied by a writing to be filed as part of the filing, instructing the filing officer that it shall be filed under one of the following UCC index category titles:

1. Financing statement.
2. Amendment.
3. Termination.
4. Continuation.
5. Assignment.
6. Correction.

(2) DEBTOR NAME AND ADDRESS. An initial financing statement or an amendment that adds a debtor shall be refused if the document fails to include a legible debtor name and address for a debtor, in the case of an initial financing statement, or for the debtor added in the case of an amendment. If the document con-tains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall refuse the document.

(3) ADDITIONAL DEBTOR IDENTIFICATION. An initial financing statement or an amendment adding one or more debtors shall be refused if the document fails to identify whether each named debtor, or each added debtor in the case of an amendment, is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization, the document does not include in legible form the organization type and state of organization.

(4) SECURED PARTY NAME AND ADDRESS. An initial financing statement, an amendment that adds a secured party of record, or an assignment, shall be refused if the document fails to include a legible secured party, or assignee in the case of an assignment, name and address. If the document contains more than one secured party, or assignee, name or address and some names or addresses are missing or illegible, the filing officer shall refuse the UCC document.

(5) LACK OF IDENTIFICATION OF INITIAL FINANCING STATEMENT. A UCC document other than an initial financing statement shall be refused if the document does not provide a file number of an initial financing statement in the UCC information management system that has not lapsed.

(6) TIMELINESS OF CONTINUATION. A continuation shall be refused if it is not received during the 6−month period concluding on the day upon which the related financing statement would lapse.

(7) FEE. A document shall be refused if the document is accompanied by less than the full filing fee tendered by a method described in rule s. DFI−CCS 1.10.

(8) MEANS OF COMMUNICATION. UCC documents communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC documents shall be refused.

(9) MULTIPLE ACTIONS. An individual amendment form shall be refused if it includes more than one filing action or if it amends information that cannot be indexed within the constraints of the form.

Note: Example: On the same form, the debtor and secured party shall not be added or changed. On the standard amendment form, more than one box 2−5 shall not be checked.

(11) IDENTIFYING INFORMATION. A UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by s. 409.512, 409.514 or 409.518, Stats., shall be refused for filing.

History: CR 01−122: cr. Register February 2002 No. 554, eff. 3−1−02; **CR 23−026: r. (1) (d), am. (2), (3), (5), (6), (9), r. (10), renum. (11) from DFI−CCS 2.04 (8) and am. Register February 2024 No. 818, eff. 3−1−24.**

DFI–CCS 2.05   Procedure upon refusal. If the filing officer finds grounds under s. DFI−CCS 2.03 to refuse acceptance of a UCC document, the filing officer shall return the document, if written, to the remitter. The filing officer shall send a notice that contains a brief description of the reason for refusal to accept the document under s. DFI−CCS 2.03 and a statement that the office will, upon request of the remitter, provide the remitter with the

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date and time the document would have been filed had it been accepted for filing.

History: CR 01−122: cr. Register February 2002 No. 554, eff. 3−1−02; **CR 23−026: am. Register February 2024 No. 818, eff. 3−1−24.**

DFI−CCS 2.06 Acknowledgment. The filing officer shall send to each filer or remitter an image of the record of the UCC document showing the file number assigned to it and the date and time of filing.

History: CR 01−122: cr. Register February 2002 No. 554, eff. 3−1−02; **CR 23−026: am. Register February 2024 No. 818, eff. 3−1−24.**

DFI−CCS 2.07 Other notices. Nothing prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office shall be under no obligation to do so. The responsibility for the legal effectiveness of filing shall rest with filers and remitters, and the filing office shall bear no responsibility for its effectiveness.

Note: The filing officer may not, in fact, have the resources to do so or to identify defects.

History: CR 01−122: cr. Register February 2002 No. 554, eff. 3−1−02.

DFI−CCS 2.08 Refusal errors. If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC document that was refused for filing should not have been refused under s. DFI−CCS 2.03, the filing officer shall do all the following:

(1) File the UCC document with the filing date and time assigned when the filing was originally tendered for filing.

(2) File an officer's statement that sets forth the date and time the filing was marked active and states that the effective date and time of filing is the date and time the UCC document was originally tendered for filing. The demonstration of error shall constitute the secured party's authorization to file the statement.

History: CR 01−122: cr. Register February 2002 No. 554, eff. 3−1−02; **CR 23−026: am. (intro.), (1), (2), r. (3) Register February 2024 No. 818, eff. 3−1−24.**