

HOUSE BILL ANALYSIS

ESB 5163

Title: An act relating to the expiration of filed financing statements.

Brief Description: Filing financing statements.

Sponsors: Senators Haugen and Schow.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Trudes Hutcheson (786-7384).

Background: Article 9 of the Uniform Commercial Code governs secured transactions. A security interest provides the creditor with a lien in the collateral and gives the creditor the legal ability, upon the debtor's default, to force sale of the asset. A security interest can also provide a creditor with a priority in the collateral above others asserting claims in the same collateral.

To obtain priority, the creditor must perfect his or her security interest. Perfecting a security interest requires the creditor to do certain things, depending upon the collateral. For most collateral, a security interest may be perfected by filing a financing statement with the Department of Licensing.

The filed financing statement is effective for five years. For the security interest to remain perfected, the creditor may file a continuation statement before the five years expire. If the creditor fails to file a continuation statement before the expiration date, the creditor's security interest is no longer perfected and the creditor may lose priority in the collateral.

Summary of Bill: Immediately following a date that is four and one-half years after the filing of a financing statement, the Department of Licensing must provide notice of the five-year expiration period and the availability of a continuation statement. Failure to provide notification does not result in liability against the state.

Fiscal Note: Requested March 18, 1997.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research