

APA-3

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE REFERENCE SERVICE  
OTHNI LATHRAM, INTERIM DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).  
I certify that the attached is/are correct copy/copies of rule/s  
as promulgated and adopted on the 5<sup>th</sup> day of April, 2016, and  
filed with the agency secretary on the 5<sup>th</sup> day of April, 2016.

AGENCY NAME: Secretary of State

Amendment  New  Repeal (Mark appropriate space)

Rule No.

(If amended rule, give specific paragraph, subparagraphs, etc.,  
being amended) Rule 820-4-2-.07(2), 820-4-2-.07(4), 820-4-2-  
.07(6), and 820-4-2-.07(7).

Rule Title: Farm Products Miscellaneous

ACTION TAKEN: State whether the rule was adopted with or without  
changes from the proposal due to written or oral comments: The  
rule was adopted without changes.

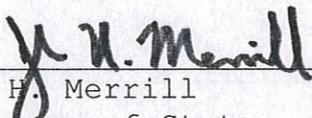
NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIV, ISSUE NO.5,  
AAM, DATED February 29, 2016.

Statutory Rulemaking Authority: Code of Alabama 1975, sections  
7-9A-320, 7-9A-523, and 7-9A-320(j).

(Date Filed) (For LRS Use Only)

**REC'D & FILED**

**APR 05 2016**

  
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John H. Merrill  
Secretary of State

**LEGISLATIVE REF SERVICE**

(NOTE: In accordance with section 41-22-6(b), as amended, a  
proposed rule is required to be certified within 90 days after  
completion of the notice.)

**820-4-2-.07 Miscellaneous.**

(1) "Existence Of Debt." A debt need not exist at the time of filing of an effective financing statement.

(2) "Incorporation By Reference." The Secretary of State incorporates by reference, as the federal law generates this central filing system, in its entirety 9 CFR Part 205 entitled "Protection for Purchasers of Farm Products," which is developed by the Secretary of Agriculture to fulfill the Secretary's responsibility under Section 1324 of the Food Security Act of 1985, PL 99-198. Copies of this document may be obtained without charge from the Secretary of State's Office, Business Services Division, Room 119, Alabama State House, 11 South Union Street, Montgomery, Alabama 36130.

(3) "Failure To Register." Not registering with the Secretary of State has the effect of making such persons, whether they are inside or outside the State of Alabama covered by this system, subject to security interests shown on the system's master list, whether or not such persons know about them, so that such persons for their own protection will need to query the system operator about any seller with whom they deal and who is engaged in farming operations relating to the production of a farm product in the State of Alabama and covered by the system.

(4) "Certified Copies." Requests for certified copies of effective financing statements must be received in a manner consistent with Code of Alabama 1975, section 7-9A-523, and be accompanied by a fee of 5.00 for the certification and \$1.00 per page for the copies as provided in Code of Alabama 1975, section 36-14-3.

In keeping with established practice, all electronic farm product transactions will be charged an access fee of \$9.75 per transaction in addition to any applicable contract provider convenience fee.

Said fees shall be in addition to any statutory filing, information request, and copy fees set forth in Code of Alabama 1975, section 7-9A-525.

(5) "No Retroactive Lists." New effective financing statement filings only appear in the latest edition of the Master List or portions thereof or its update if the filing is not terminated or lapses.

(6) "Distribution Not By First Class Mail." Registrants requiring master lists or portions thereof, written confirmation of oral communications under Rule 820-4-2-.05(9), or an acknowledgment under 820-4-2-.04(2), by other means than first class mail are to pay the additional delivery charges for such expedited service.

(7) "Forms." Pursuant to Code of Alabama 1975, section 7-9A-320, the Secretary of State may prescribe and from time to time modify forms approved for use in the Central Filing System. Copies of these rules and samples of these forms may be obtained from the Secretary of State.

**Authors:** Valeria Harman, Charles E. Grainger, Jr., Jean Brown

**Statutory Authority:** Code of Alabama 1975, sections 7-9A-320, 7-9A-523, and 7-9A-320(j).

**History: New Rule:** January 10, 2001; effective February 14, 2001. **Amended:** Filed January 9, 2003; effective February 13, 2003. **Amended:** Filed April 5, 2016; Effective date: May 20, 2016.