

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 982**

Introduced by Harr, 8.

Read first time January 12, 2012

Committee: Banking, Commerce and Insurance

A BILL

- 1 FOR AN ACT relating to liens; to provide for the removal of improper
- 2 or fraudulent liens; to provide powers and duties for the
- 3 Secretary of State; and to provide a duty for the Revisor
- 4 of Statutes.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) If the Secretary of State receives a  
2 complaint or has reason to believe that a financing statement or  
3 other record filed with the Secretary of State pursuant to sections  
4 9-501 to 9-531, Uniform Commercial Code, is fraudulent or otherwise  
5 improper, the Secretary of State may remove the filing from existing  
6 files after giving notice and an opportunity to respond to the  
7 secured party and the debtor.

8           (2) A person adversely affected by a financing statement  
9 or other record that is determined to be fraudulent or otherwise  
10 improper by the Secretary of State may recover damages from the  
11 person responsible for filing such financing statement or other  
12 record.

13           (3) A financing statement or other record filed with the  
14 Secretary of State pursuant to sections 9-501 to 9-531, Uniform  
15 Commercial Code, is fraudulent or otherwise improper if it is filed  
16 without the authorization of the obligor, person named as debtor, or  
17 owner of collateral described or indicated in the financing statement  
18 or other record, or by consent of an agent, fiduciary, or other  
19 representative of that person. All other financing statements or  
20 other records filed for purposes outside of the Uniform Commercial  
21 Code are also fraudulent or otherwise improper and subject to this  
22 section if there is no statutory or other legal authority therefor.

23           Sec. 2. The Revisor of Statutes shall assign section 1 of  
24 this act to a new article in Chapter 52.