

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 2106

(SENATE AUTHORS: BIGHAM and Mathews)

DATE	D-PG	OFFICIAL STATUS
03/15/2021	914	Introduction and first reading Referred to State Government Finance and Policy and Elections
03/17/2021	962	Withdrawn and re-referred to Civil Law and Data Practices Policy
03/22/2021		Comm report: To pass as amended and re-refer to State Government Finance and Policy and Elections

1.1 A bill for an act

1.2 relating to state government; modifying various provisions governing or

1.3 administered by the secretary of state; amending Minnesota Statutes 2020, sections

1.4 5.02; 5.08, subdivision 2; 5B.02; 5B.05; 5B.10, subdivision 1; 13.045, subdivisions

1.5 1, 2, 3, 4a; 336.9-510; 336.9-516; 336A.09, subdivision 2; proposing coding for

1.6 new law in Minnesota Statutes, chapters 336; 609; repealing Minnesota Statutes

1.7 2020, section 5.23, subdivision 3.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2020, section 5.02, is amended to read:

1.10 **5.02 ASSISTANTS.**

1.11 The secretary of state shall appoint an assistant secretary of state, who shall perform all

1.12 the duties of the office when the secretary is absent or disabled. ~~The secretary may also~~

1.13 ~~employ a chief clerk, a recording clerk, and a stenographer, who, besides the duties indicated~~

1.14 ~~by their titles, shall perform such services in connection with the office as the secretary or~~

1.15 ~~the assistant may require.~~

1.16 Sec. 2. Minnesota Statutes 2020, section 5.08, subdivision 2, is amended to read:

1.17 Subd. 2. **Distribution.** ~~10,000 copies of the legislative manual shall be printed and~~

1.18 ~~distributed as follows:~~

1.19 ~~(1) up to 20 copies shall be available to each member of the legislature on request;~~

1.20 ~~(2) 50 copies to the State Historical Society;~~

1.21 ~~(3) 25 copies to the state university;~~

1.22 ~~(4) 60 copies to the state library;~~

2.1 ~~(5) two copies each to the Library of Congress, the Minnesota veterans homes, the~~
 2.2 ~~universities, the high schools, academies, seminaries, and colleges of the state, and the~~
 2.3 ~~public libraries of the state;~~

2.4 ~~(6) one copy each to other state institutions, the elective state officials, the appointed~~
 2.5 ~~heads of departments, the officers and employees of the legislature, the justices of the~~
 2.6 ~~supreme court, the judges of the court of appeals and the district court, the senators and~~
 2.7 ~~representatives in Congress from this state, and the county auditors, recorders, and attorneys;~~

2.8 ~~(7) one copy to each school, to be distributed through the superintendent of each school~~
 2.9 ~~district; and~~

2.10 ~~(8) the remainder may be disposed of as the secretary of state deems best.~~

2.11 The secretary of state must consult with the following to determine the number of
 2.12 legislative manuals to print and distribute:

2.13 (1) the State Historical Society;

2.14 (2) the state university;

2.15 (3) the state library;

2.16 (4) Department of Veterans Affairs;

2.17 (5) the school board association; and

2.18 (6) the legislature.

2.19 Sec. 3. Minnesota Statutes 2020, section 5B.02, is amended to read:

2.20 **5B.02 DEFINITIONS.**

2.21 (a) For purposes of this chapter and unless the context clearly requires otherwise, the
 2.22 definitions in this section have the meanings given them.

2.23 (b) "Address" means an individual's work address, school address, or residential street
 2.24 address, as specified on the individual's application to be a program participant under this
 2.25 chapter.

2.26 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible
 2.27 minor, or a guardian acting on behalf of an incapacitated person, as defined in section
 2.28 524.5-102.

2.29 (d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2,
 2.30 paragraph (a), and includes a threat of such acts committed against an individual in a domestic

3.1 situation, regardless of whether these acts or threats have been reported to law enforcement
3.2 officers.

3.3 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in
3.4 section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a
3.5 victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible
3.6 person fears for the person's safety, the safety of another person who resides in the same
3.7 household, or the safety of persons on whose behalf the application is made. An individual
3.8 must reside in Minnesota in order to be an eligible person. A person registered or required
3.9 to register as a predatory offender under section 243.166 or 243.167, or the law of another
3.10 jurisdiction, is not an eligible person.

3.11 (f) "Mail" means first class letters and flats delivered via the United States Postal Service,
3.12 including priority, express, and certified mail, and excluding ~~packages, parcels,~~ (1)
3.13 periodicals, and catalogues, and (2) packages and parcels unless they are clearly identifiable
3.14 as nonrefrigerated pharmaceuticals or clearly indicate that they are sent by the federal
3.15 government or a state or county government agency of the continental United States, Hawaii,
3.16 District of Columbia, or United States territories.

3.17 (g) "Program participant" means an individual certified as a program participant under
3.18 section 5B.03.

3.19 (h) "Harassment" or "stalking" means acts criminalized under section 609.749 and
3.20 includes a threat of such acts committed against an individual, regardless of whether these
3.21 acts or threats have been reported to law enforcement officers.

3.22 Sec. 4. Minnesota Statutes 2020, section 5B.05, is amended to read:

3.23 **5B.05 USE OF DESIGNATED ADDRESS.**

3.24 (a) When a program participant presents the address designated by the secretary of state
3.25 to any person or entity, that address must be accepted as the address of the program
3.26 participant. The person may not require the program participant to submit any address that
3.27 could be used to physically locate the participant either as a substitute or in addition to the
3.28 designated address, or as a condition of receiving a service or benefit, unless the service or
3.29 benefit would be impossible to provide without knowledge of the program participant's
3.30 physical location. Notwithstanding a person's or entity's knowledge of a program participant's
3.31 physical location, the person or entity must use the program participant's designated address
3.32 for all mail correspondence with the program participant.

4.1 (b) A program participant may use the address designated by the secretary of state as
4.2 the program participant's work address.

4.3 (c) The Office of the Secretary of State shall forward all mail sent to the designated
4.4 address to the proper program participants.

4.5 (d) If a program participant has notified a person in writing, on a form prescribed by the
4.6 program, that the individual is a program participant and of the requirements of this section,
4.7 the person must not knowingly disclose the program participant's name, home address, work
4.8 address, or school address, unless the person to whom the address is disclosed also lives,
4.9 works, or goes to school at the address disclosed, or the participant has provided written
4.10 consent to disclosure of the participant's name, home address, work address, or school
4.11 address for the purpose for which the disclosure will be made. This paragraph applies to
4.12 the actions and reports of guardians ad litem, except that guardians ad litem may disclose
4.13 the program participant's name. This paragraph does not apply to records of the judicial
4.14 branch governed by rules adopted by the supreme court or government entities governed
4.15 by section 13.045.

4.16 Sec. 5. Minnesota Statutes 2020, section 5B.10, subdivision 1, is amended to read:

4.17 Subdivision 1. **Display by landlord.** If a program participant has notified the program
4.18 participant's landlord in writing that the individual is a program participant and of the
4.19 requirements of this section, a local ordinance ~~or the landlord~~ must not require the display
4.20 of, and the landlord shall not display, the program participant's name at an address otherwise
4.21 protected under this chapter.

4.22 Sec. 6. Minnesota Statutes 2020, section 13.045, subdivision 1, is amended to read:

4.23 Subdivision 1. **Definitions.** As used in this section:

4.24 (1) "program participant" has the meaning given in section 5B.02, paragraph (g);

4.25 (2) "location data" means ~~any data~~ the participant specifies that may be used to physically
4.26 locate a program participant, ~~including but not limited to~~ such as the program participant's
4.27 residential address, work address, ~~and~~ or school address, and that is collected, received, or
4.28 maintained by a government entity prior to the date a program participant's certification
4.29 expires, or the date the entity receives notice that the program participant has withdrawn
4.30 from the program, whichever is earlier;

4.31 (3) "identity data" means data that may be used to identify a program participant,
4.32 including the program participant's name, phone number, e-mail address, address designated

5.1 under chapter 5B, Social Security number, or driver's license number, and that is collected,
 5.2 received, or maintained by a government entity before the date a program participant's
 5.3 certification expires, or the date the entity receives notice that the program participant has
 5.4 withdrawn from the program, whichever is earlier;

5.5 (4) "county recorder" means the county official who performs the functions of the county
 5.6 recorder or registrar of titles to record a document as part of the county real estate document
 5.7 recording system, regardless of title or office; and

5.8 (5) "real property records" means any record of data that is maintained ~~by a county~~ as
 5.9 part of the county real estate document recording system for use by the public, data on
 5.10 assessments, data on real or personal property taxation, and other data on real property.

5.11 Sec. 7. Minnesota Statutes 2020, section 13.045, subdivision 2, is amended to read:

5.12 Subd. 2. **Notification of certification.** (a) A program participant may ~~submit a notice,~~
 5.13 ~~in writing, to notify~~ the responsible authority of any government entity other than the county
 5.14 recorder in writing, on a form prescribed by the secretary of state, that the participant is
 5.15 certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The
 5.16 notice must include the program participant's name, ~~names of other program participants~~
 5.17 ~~in the household,~~ date of birth, address designated under chapter 5B, program participant
 5.18 signature, signature of the participant's parent or guardian if the participant is a minor, date
 5.19 the program participant's certification in the program expires, and any other information
 5.20 specified by the secretary of state. A program participant may submit a subsequent notice
 5.21 of certification, if the participant's certification is renewed. The contents of the notification
 5.22 of certification are private data on individuals. A notice provided pursuant to this paragraph
 5.23 is a request to protect location data unless the participant requests that specific identity data
 5.24 also be protected.

5.25 (b) To affect real property records, ~~including but not limited to documents maintained~~
 5.26 ~~in a public recording system, data on assessments and taxation, and other data on real~~
 5.27 ~~property,~~ a program participant must submit a real property notice in writing to the county
 5.28 recorder in the county where the property identified in the real property notice is located.
 5.29 To affect real property records maintained by any other government entity, a program
 5.30 participant must also submit a real property notice in writing to the other government entity's
 5.31 responsible authority. A real property notice must be on a form prescribed by the secretary
 5.32 of state and must include:

5.33 (1) the full legal name of the program participant, including middle name;

- 6.1 (2) the last four digits of the program participant's Social Security number;
- 6.2 (3) the participant's date of birth;
- 6.3 ~~(3)~~ (4) the designated address of the program participant as assigned by the secretary of
- 6.4 state, including lot number;
- 6.5 ~~(4) the date the program participant's certification in the program expires;~~
- 6.6 (5) the legal description and street address, if any, of the real property affected by the
- 6.7 notice;
- 6.8 (6) the address of the Office of the Secretary of State; and
- 6.9 (7) the signature of the program participant.

6.10 Only one parcel of real property may be included in each notice, but more than one notice

6.11 may be presented to the county recorder or another governmental entity. The county recorder

6.12 or another governmental entity receiving the notice may require a program participant to

6.13 provide additional information necessary to identify the records of the program participant

6.14 or the real property described in the notice. A program participant must submit a subsequent

6.15 real property notice for the real property if the participant's ~~certification is renewed~~ legal

6.16 name changes. The real property notice is private data on individuals.

6.17 Sec. 8. Minnesota Statutes 2020, section 13.045, subdivision 3, is amended to read:

6.18 Subd. 3. **Classification of identity and location data; amendment of records; sharing**

6.19 **and dissemination.** (a) Identity and location data ~~on~~ for which a program participant ~~who~~

6.20 ~~submits a notice~~ seeks protection under subdivision 2, paragraph (a), that are not otherwise

6.21 classified by law are private data on individuals. ~~Notwithstanding any provision of law to~~

6.22 ~~the contrary, private or confidential location data on a program participant who submits a~~

6.23 ~~notice under subdivision 2, paragraph (a), may not be shared with any other government~~

6.24 ~~entity or nongovernmental entity except as provided in paragraph (b).~~

6.25 (b) ~~Private or confidential location data on a program participant must not be shared or~~

6.26 ~~disclosed by a government entity~~ Notwithstanding any provision of law to the contrary,

6.27 private or confidential location data on a program participant who submits a notice under

6.28 subdivision 3, paragraph (a), may not be shared with any other government entity or

6.29 nongovernmental entity unless:

- 6.30 (1) the program participant has expressly consented in writing to sharing or dissemination
- 6.31 of the data for the purpose for which the sharing or dissemination will occur;

7.1 (2) the data are subject to sharing or dissemination pursuant to court order under section
7.2 13.03, subdivision 6;

7.3 (3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

7.4 (4) the location data related to county of residence are needed to provide public assistance
7.5 or other government services, or to allocate financial responsibility for the assistance or
7.6 services;

7.7 (5) the data are necessary to perform a government entity's health, safety, or welfare
7.8 functions, including the provision of emergency 911 services, the assessment and
7.9 investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection
7.10 of services or locations for compliance with health, safety, or professional standards; or

7.11 (6) the data are necessary to aid an active law enforcement investigation of the program
7.12 participant.

7.13 (c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the
7.14 purposes authorized in this subdivision and may not be further disclosed to any other person
7.15 or government entity. Government entities receiving or sharing private or confidential data
7.16 under this subdivision shall establish procedures to protect the data from further disclosure.

7.17 (d) Real property record data are governed by subdivision 4a.

7.18 (e) Notwithstanding sections 15.17 and 138.163, a government entity may amend records
7.19 to replace a participant's location data with the participant's designated address.

7.20 Sec. 9. Minnesota Statutes 2020, section 13.045, subdivision 4a, is amended to read:

7.21 Subd. 4a. **Real property records.** (a) If a program participant submits a notice to a
7.22 ~~county recorder~~ under subdivision 2, paragraph (b), the ~~county recorder~~ entity must not
7.23 disclose the program participant's identity data in conjunction with the property identified
7.24 in the written notice in the entity's real property records, unless:

7.25 (1) the program participant has consented to sharing or dissemination of the data for the
7.26 purpose identified in a writing acknowledged by the program participant;

7.27 (2) the data are subject to sharing or dissemination pursuant to court order under section
7.28 13.03, subdivision 6; ~~or~~

7.29 (3) the secretary of state authorizes the sharing or dissemination of the data under
7.30 subdivision 4b for the purpose identified in the authorization; or

8.1 (4) the data is shared with a governmental entity subject to this chapter for the purpose
8.2 of administering assessment and taxation laws.

8.3 This subdivision does not prevent ~~the~~ a county recorder from returning original documents
8.4 to the individuals that submitted the documents for recording. This subdivision does not
8.5 prevent the public disclosure of the participant's name and address designated under chapter
8.6 5B in the county reception index if the participant's name and designated address are not
8.7 disclosed in conjunction with location data. Each ~~county recorder~~ entity shall establish
8.8 procedures for recording or filing documents to comply with this subdivision. These
8.9 procedures may include masking identity or location data and making documents or
8.10 certificates of title containing the data private and not viewable except as allowed by this
8.11 paragraph. The procedure must comply with the requirements of chapters 386, 507, 508,
8.12 and 508A and other laws as appropriate, to the extent these requirements do not conflict
8.13 with this section. The procedures must provide public notice of the existence of recorded
8.14 documents and certificates of title that are not publicly viewable and the provisions for
8.15 viewing them under this subdivision. Notice that a document or certificate is private and
8.16 viewable only under this subdivision or subdivision 4b is deemed constructive notice of the
8.17 document or certificate.

8.18 ~~(b) A real property notice is notice only to the county recorder. A notice that does not~~
8.19 ~~conform to the requirements of a real property notice under subdivision 2, paragraph (b),~~
8.20 ~~is not effective as a notice to the county recorder.~~ On receipt of a real property notice, the
8.21 ~~county recorder~~ government entity shall provide a copy of the notice to the person who
8.22 maintains the property tax records in that county, to the county's responsible authority, and
8.23 provide a copy to the secretary of state at the address specified by the secretary of state in
8.24 the notice.

8.25 (c) Paragraph (a) applies only to the records recorded or filed concurrently with the real
8.26 property notice specified in subdivision 2, paragraph (b), and real property records affecting
8.27 the same real property created or recorded subsequent to the ~~county's~~ entity's receipt of the
8.28 real property notice.

8.29 (d) The prohibition on disclosure in paragraph (a) continues until:

8.30 (1) the program participant has consented to the termination of the real property notice
8.31 in a writing acknowledged by the program participant. Notification under this paragraph
8.32 must be given by the government entity to the secretary of state within 90 days of the
8.33 termination;

9.1 (2) the real property notice is terminated pursuant to a court order. Notification under
 9.2 this paragraph must be given by the government entity to the secretary of state within 90
 9.3 days of the termination;

9.4 (3) the program participant no longer holds a record interest in the real property identified
 9.5 in the real property notice. Notification under this paragraph must be given by the government
 9.6 entity to the secretary of state within 90 days of the termination; or

9.7 (4) the secretary of state has given written notice to the ~~county recorder~~ government
 9.8 entity's responsible authority who provided the secretary of state with a copy of a participant's
 9.9 real property notice that the program participant's certification has terminated. Notification
 9.10 under this paragraph must be given by the secretary of state within 90 days of the termination.

9.11 Upon termination of the prohibition of disclosure, the ~~county recorder~~ government entity
 9.12 shall make publicly viewable all documents and certificates of title relative to the participant
 9.13 that were previously partially or wholly private and not viewable.

9.14 Sec. 10. Minnesota Statutes 2020, section 336.9-510, is amended to read:

9.15 **336.9-510 EFFECTIVENESS OF FILED RECORD.**

9.16 (a) **Filed record effective if authorized.** A filed record is effective only to the extent
 9.17 that it was filed by a person that may file it under section 336.9-509 or by the filing office
 9.18 under section 336.9-5135.

9.19 (b) **Authorization by one secured party of record.** A record authorized by one secured
 9.20 party of record does not affect the financing statement with respect to another secured party
 9.21 of record.

9.22 (c) **Continuation statement not timely filed.** A continuation statement that is not filed
 9.23 within the six-month period prescribed by section 336.9-515(d) is ineffective.

9.24 Sec. 11. **[336.9-5135] TERMINATION OF WRONGFULLY FILED FINANCING**
 9.25 **STATEMENT; REINSTATEMENT.**

9.26 (a) **Intent to harass.** "Intent to harass" means from the totality of the information
 9.27 provided in the record it appears obvious to the filing office that there is no valid basis for
 9.28 the filing of the record.

9.29 (b) **Affidavit of wrongful filing.** A person identified as the debtor in a filed financing
 9.30 statement may deliver to the filing office a notarized affidavit that identifies the financing
 9.31 statement by file number, indicates the person's mailing address, and states that the person

10.1 believes the filed record identifying the person as the debtor was not authorized to be filed
10.2 and was communicated or caused to be communicated to the office with the intent to harass
10.3 or defraud the person identified as the debtor. The office may reject an affidavit that is
10.4 incomplete or that the office believes was delivered with the intent to harass or defraud the
10.5 secured party. The secretary of state must provide a form of affidavit for use under this
10.6 section.

10.7 **(c) Termination statement by filing office.** If an affidavit is delivered to the filing
10.8 office under subsection (b) and is not rejected under subsection (b), the office must promptly
10.9 file a termination statement with respect to the financing statement identified in the affidavit.
10.10 The termination statement must identify by its file number the initial financing statement
10.11 it relates to and must indicate that it was filed pursuant to this section. A termination
10.12 statement filed under this subsection is not effective until 20 days after the date it is filed.

10.13 **(d) No fee charged or refunded.** The filing office must not charge a fee to file an
10.14 affidavit under subsection (b) or a termination statement under subsection (c). The office
10.15 must not return any fee paid to file the financing statement identified in the affidavit, whether
10.16 or not the financing statement is reinstated under subsection (g).

10.17 **(e) Notice of termination statement.** On the same day a filing office files a termination
10.18 statement under subsection (c), it must send to the secured party of record for the financing
10.19 statement the termination statement relates to a notice stating the termination statement has
10.20 been filed and becomes effective 20 days after the date the termination statement was filed.
10.21 The notice must be sent by certified mail, return receipt requested, to the address provided
10.22 for the secured party of record in the financing statement, with a copy sent by e-mail to the
10.23 e-mail address provided by the secured party of record, if any.

10.24 **(f) Administrative review; action for reinstatement.** If a secured party believes in
10.25 good faith the filed record identified in an affidavit and delivered to the filing office under
10.26 subsection (b) was authorized to be filed and was not communicated or caused to be
10.27 communicated to the filing office with the intent to harass or defraud, the secured party may
10.28 do the following:

10.29 (1) before the termination statement takes effect, request that the filing office conduct
10.30 an expedited review of the filed record and any documentation provided by the secured
10.31 party. The filing office may, as a result of the review, remove from the record the termination
10.32 statement filed by it under subsection (c) before it takes effect; or

10.33 (2) at any time, commence an action against the filing office seeking reinstatement of
10.34 the financing statement the filed record relates to. The action must be commenced before

11.1 the expiration of six months after the date the termination statement was filed under
11.2 subsection (c) becomes effective. If the person identified as the debtor is not named as a
11.3 defendant in the action, the secured party must send a copy of the complaint to the person
11.4 identified as the debtor at the address indicated in the affidavit. The exclusive venue for the
11.5 action is the district court for the county where the filing office in which the financing
11.6 statement was filed is located. The action must be considered by the court on an expedited
11.7 basis.

11.8 **(g) Office to file notice of action for reinstatement.** Within ten days after being served
11.9 with process in an action under subsection (f), the filing office must file a notice indicating
11.10 the action has been commenced. The notice must indicate the file number of the initial
11.11 financing statement it relates to.

11.12 **(h) Action for reinstatement successful.** In an action under subsection (f), if the court
11.13 determines the financing statement was authorized to be filed and was not communicated
11.14 or caused to be communicated to the filing office with the intent to harass or defraud the
11.15 person identified as the debtor, the court must order that the financing statement is reinstated.
11.16 If a reinstatement order is issued by the court, the filing office must promptly file a record
11.17 that identifies by its file number the initial financing statement the record relates to and
11.18 indicates the financing statement has been reinstated.

11.19 **(i) Effect of reinstatement.** Upon the filing of a record reinstating a financing statement
11.20 under subsection (h), the effectiveness of the financing statement is reinstated and the
11.21 financing statement is considered to never have been terminated under this section. A
11.22 continuation statement filed under section 336.9-515(d) after the effective date of a
11.23 termination statement filed under subsection (c) becomes effective if the financing statement
11.24 is reinstated.

11.25 **(j) Liability for wrongful filing.** In an action under subsection (f), if the court determines
11.26 the filed record identified in an affidavit delivered to the filing office under subsection (b)
11.27 was not authorized to be filed and was communicated or caused to be communicated to the
11.28 filing office with the intent to harass or defraud the person identified as the debtor, the filing
11.29 office and the person identified as the debtor may recover from the secured party that filed
11.30 the action the costs and expenses, including reasonable attorney fees, that the filing office
11.31 and the person identified as the debtor incurred in the action. The recovery is under this
11.32 subsection in addition to any recovery the person identified as the debtor is entitled to under
11.33 section 336.9-625.

12.1 Sec. 12. Minnesota Statutes 2020, section 336.9-516, is amended to read:

12.2 **336.9-516 WHAT CONSTITUTES FILING; EFFECTIVENESS OF FILING.**

12.3 (a) **What constitutes filing.** Except as otherwise provided in subsection (b),
12.4 communication of a record to a filing office and tender of the filing fee or acceptance of
12.5 the record by the filing office constitutes filing.

12.6 (b) **Refusal to accept record; filing does not occur.** Filing does not occur with respect
12.7 to a record that a filing office refuses to accept because:

12.8 (1) the record is not communicated by a method or medium of communication authorized
12.9 by the filing office. For purposes of filing office authorization, transmission of records using
12.10 the Extensible Markup Language (XML) format is authorized by the filing office after the
12.11 later of July 1, 2007, or the determination of the secretary of state that the central filing
12.12 system is capable of receiving and processing these records;

12.13 (2) an amount equal to or greater than the applicable filing fee is not tendered;

12.14 (3) the filing office is unable to index the record because:

12.15 (A) in the case of an initial financing statement, the record does not provide a name for
12.16 the debtor;

12.17 (B) in the case of an amendment or information statement, the record:

12.18 (i) does not identify the initial financing statement as required by section 336.9-512 or
12.19 336.9-518, as applicable; or

12.20 (ii) identifies an initial financing statement whose effectiveness has lapsed under section
12.21 336.9-515;

12.22 (C) in the case of an initial financing statement that provides the name of a debtor
12.23 identified as an individual or an amendment that provides a name of a debtor identified as
12.24 an individual which was not previously provided in the financing statement to which the
12.25 record relates, the record does not identify the debtor's surname; or

12.26 (D) in the case of a record filed or recorded in the filing office described in section
12.27 336.9-501 (a)(1), the record does not provide a sufficient description of the real property
12.28 to which it relates;

12.29 (4) in the case of an initial financing statement or an amendment that adds a secured
12.30 party of record, the record does not provide a name and mailing address for the secured
12.31 party of record;

13.1 (5) in the case of an initial financing statement or an amendment that provides a name
13.2 of a debtor which was not previously provided in the financing statement to which the
13.3 amendment relates, the record does not:

13.4 (A) provide a mailing address for the debtor; or

13.5 (B) indicate whether the name provided as the name of the debtor is the name of an
13.6 individual or an organization;

13.7 (6) in the case of an assignment reflected in an initial financing statement under section
13.8 336.9-514 (a) or an amendment filed under section 336.9-514 (b), the record does not provide
13.9 a name and mailing address for the assignee; or

13.10 (7) in the case of a continuation statement, the record is not filed within the six-month
13.11 period prescribed by section 336.9-515 (d); or

13.12 (8) in the case of an initial financing statement or an amendment that provides a name
13.13 of a debtor not previously provided in the financing statement to which the amendment
13.14 relates, the office reasonably believes the record was communicated or caused to be
13.15 communicated (i) with the intent to harass or defraud the person identified as the debtor, or
13.16 (ii) for another unlawful purpose. The office has no duty to form a belief as to whether a
13.17 record was communicated or caused to be communicated with the intent to harass or defraud
13.18 the person identified as the debtor or for another unlawful purpose, and has no duty to
13.19 investigate or ascertain facts relevant to whether the intent or purpose was present. The
13.20 secretary of state is not required to return an image of a filing rejected under this clause.

13.21 (c) **Rules applicable to subsection (b).** For purposes of subsection (b):

13.22 (1) a record does not provide information if the filing office is unable to read or decipher
13.23 the information; and

13.24 (2) a record that does not indicate that it is an amendment or identify an initial financing
13.25 statement to which it relates, as required by section 336.9-512, 336.9-514, or 336.9-518, is
13.26 an initial financing statement.

13.27 (d) **Refusal to accept record; record effective as filed record.** A record that is
13.28 communicated to the filing office with tender of the filing fee, but which the filing office
13.29 refuses to accept for a reason other than one set forth in subsection (b), is effective as a filed
13.30 record except as against a purchaser of the collateral which gives value in reasonable reliance
13.31 upon the absence of the record from the files.

13.32 (e) **Effectiveness of record; purchaser in good faith.** A record that the filing office
13.33 initially refuses to accept under subsection (b)(8) but later accepts after receiving additional

14.1 information is effective as if the office had not initially refused to accept the record, except
 14.2 as against a purchaser of the collateral that gives value in reasonable reliance upon the
 14.3 absence of the record from the files.

14.4 Sec. 13. Minnesota Statutes 2020, section 336A.09, subdivision 2, is amended to read:

14.5 Subd. 2. **Searches; fees.** (a) If a person makes a request, the filing officer shall conduct
 14.6 a search of the computerized filing system for effective financing statements or lien notices
 14.7 and statements of continuation of a particular debtor. The filing officer shall produce a
 14.8 report including the date, time, and results of the search by issuing:

14.9 (1) a listing of the file number, date, and hour of each effective financing statement
 14.10 found in the search and the names and addresses of each secured party on the effective
 14.11 financing statements or of each lien notice found in the search and the names and address
 14.12 of each lienholder on the lien notice; or

14.13 (2) upon request, both the report and photocopies of the effective financing statements
 14.14 or lien notices.

14.15 (b) The uniform fee for conducting a search and for preparing a report is \$20 per debtor
 14.16 name. A fee as set by section 5.12 will be charged for photocopies of effective financing
 14.17 statements, lien notices, continuation statements, or termination statements.

14.18 ~~(c) Search fees collected by a satellite office must be deposited in the general fund of~~
 14.19 ~~the county where the satellite office is located.~~

14.20 Sec. 14. **[609.7476] RECORDS FILED WITH INTENT TO HARASS OR DEFRAUD.**

14.21 (a) A person is prohibited from communicating or causing to be communicated to the
 14.22 filing office, as defined in section 336.9-102 (a) (37), to file a record if:

14.23 (1) the person is not authorized to file the record under section 336.9-509, 336.9-708,
 14.24 or 336.9-808;

14.25 (2) the record is not related to an existing or anticipated transaction governed by chapter
 14.26 336, article 9; and

14.27 (3) the record is filed with the intent to harass or defraud the person identified as the
 14.28 debtor in the record.

14.29 (b) A person that violates paragraph (a) is guilty of a gross misdemeanor for a first
 14.30 offense and a felony for a second or subsequent offense.

15.1 Sec. 15. **REPEALER.**

15.2 Minnesota Statutes 2020, section 5.23, subdivision 3, is repealed.

5.23 REMOVAL OF DOCUMENTS FROM PUBLIC RECORD.

Subd. 3. **Failure to pay direct access charges.** If a customer who has subscribed with the secretary of state for direct computer access to the secretary's databases makes payment for information received with a payment order or item that is rejected or dishonored, the secretary shall immediately terminate the customer's access to the databases. The secretary may also pursue collection of the rejected or dishonored payment order or item and recover the face amount of the payment order or item and any additional costs incurred to collect the amount. If the payment order or item is honored, access may be restored and the secretary may impose restrictions on the methods of payment that will be acceptable.