

52:16A-35 to 52:16A-42

LEGISLATIVE HISTORY CHECKLIST

(Division of Commercial Recording established
in Department of State)

NJSA 52:16A-35 to 52:16A-42

LAWS 1982

CHAPTER 150

Bill No. S1773

Sponsor(s) Vreeland and others

Date Introduced Sept. 23, 1982

Committee: Assembly -----

Senate -----

Amended during passage

Yes

No

Date of Passage: Assembly Sept. 30, 1982

Senate Sept. 23, 1982

Date of approval Oct. 13, 1982

Following statements are attached if available:

Sponsor statement

Yes

No

Committee Statement: Assembly

Yes

No

Senate

Yes

No

Fiscal Note

Yes

No

Veto Message

Yes

No

Message on signing

Yes

No

Following were printed:

Reports

Yes

No

Hearings

Yes

No

6/22/81

CHAPTER 150 LAWS OF N. J. 1982

APPROVED 10-13-82

SENATE, No. 1773

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 23, 1982

By Senators VREELAND, SAXTON, CARDINALE, GALLAGHER,
EWING, LIPMAN and HAGEDORN

(Without Reference)

AN Act establishing a Division of Commercial Recording in the Department of State and delineating its functions and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. There is established in the Department of State a division
2 which shall be known as the Division of Commercial Recording.

1 2. a. The Division of Commercial Recording shall be under the
2 immediate supervision of a director who shall administer the work
3 of the division under the direction of the Secretary of State.

4 b. There shall be such deputy directors and assistant directors
5 as are necessary to administer the Division of Commercial Record-
6 ing as the Secretary of State may prescribe.

7 c. All functions, powers and duties of the Bureau of Commercial
8 Recording in the Department of State are transferred to the
9 Division of Commercial Recording in the Department of State
10 and, except as otherwise provided in this act, the provisions of the
11 "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1
12 et seq.) shall apply to the transfer.

13 d. Such employees of the Bureau of Commercial Recording, as
14 the Secretary of State may determine are needed for the proper
15 performance of the functions and duties imposed upon the Division
16 of Commercial Recording, are hereby transferred to the Division
17 of Commercial Recording. Persons thus transferred shall be
18 assigned to such duties as the Secretary of State determines.

1 3. In addition to continuing to perform all the functions, duties
2 and responsibilities performed by the Bureau of Commercial
3 Recording, the Division of Commercial Recording shall provide
4 information by telephone to any person who makes a telephone
5 request for the following information:

6 a. The availability of a corporate name under N. J. S. A. 14A:2-2;

7 b. Whether or not a corporation's certificate of incorporation or
8 authority has been voided or revoked;

9 c. The name and address of the registered agency of a corpo-
10 ration;

11 d. The date of incorporation of a domestic corporation or the
12 date of qualification of a foreign corporation;

13 e. The name and address of a corporation which has filed a ficti-
14 tious name certificate pursuant to P. L. 1973, c. 366, s. 3 (C.
15 14A:2-2.1); and

16 f. Any other information contained in documents filed with the
17 Secretary of State which, in the discretion of the Secretary, is
18 readily available.

19 The Secretary of State shall confirm in writing any of the
20 information provided by telephone if the person so requests.

1 4. a. The Division of Commercial Recording shall provide for
2 and establish an expedited over the counter corporate service. The
3 processing of requests and information and documents shall be
4 a priority same day service effected in a fast and efficient manner.

5 b. The Division of Commercial Recording shall provide exped-
6 ited over the counter corporate services for the following
7 requests:

8 (1) Any information contained in the annual report of a
9 corporation;

10 (2) A certificate of standing;

11 (3) A certified or uncertified copy of any document filed with
12 the Division of Commercial Recording;

13 (4) A certificate as to the existence or nonexistence of any facts
14 on record with the Division of Commercial Recording;

15 (5) The availability of a corporate name under N. J. S. 14A:2-2;

16 (6) Filing a certificate of incorporation;

17 (7) Whether or not a corporation's certificate of incorporation
18 or authority has been voided or revoked;

19 (8) The name and address of the registered agent of a corpo-
20 ration;

21 (9) The date of incorporation of a domestic corporation or the
22 date of qualification of a foreign corporation;

23 (10) The name and address of a corporation which has filed a

24 fictitious name certificate pursuant to P. L. 1973, c. 366, s. 3
25 (C. 14A:2-2.1);

26 (11) A financing statement filing (UCC-1) pursuant to N. J. S.
27 12A:9-401 et seq;

28 (12) A change of record filing (UCC-3) pursuant to N. J. S.
29 12A:9-401 et seq.;

30 (13) A request for information or copies or filed financing
31 statements (UCC-11) pursuant to N. J. S. 12A:9-401 et seq.;

32 (14) Any other information contained in the documents filed
33 with the Division of Commercial Recording which in the discretion
34 of the Secretary of State is readily available.

1 5. The Secretary of State shall provide for the establishment and
2 administration of a method of payment by any person for telephone
3 and expedited over the counter corporate service. Such method
4 may include prepaid deposit accounts.

1 6. The Secretary of State shall charge a \$5.00 fee for use of tele-
2 phone and expedited over the counter corporate service which
3 shall be in addition to the fee for the service provided by law. The
4 statutory fee and the additional fee shall be paid by the person
5 requesting the information and documents by the method of pay-
6 ment as established by the Secretary of State.

1 7. The Secretary of State may promulgate rules and regulations
2 necessary to establish guidelines for the use of telephone and
3 expedited over the counter corporate services and the use of
4 electronic data processing for direct access to the information
5 provided under this act by persons so authorized and for the
6 method of payment for the use of telephone and expedited over
7 the counter corporate services. The Secretary of State shall
8 establish fees for electronic data processing services which cover
9 the cost of those services.

1 8. a. There is created a fund held by the State Treasurer, but not
2 to exist in the State Treasury, to be the repository for additional
3 fees for electronic data processing, telephone and expedited over
4 the counter corporate services charged to persons pursuant to
5 this act.

6 b. For the current fiscal year and in each fiscal year thereafter
7 the additional fees shall be held in the fund and disbursed in such
8 amounts as may be requested by the Secretary of State, to meet
9 the costs of operation of the electronic data processing, telephone
10 and expedited over the counter corporate services as provided
11 for in this act.

12 c. The additional fees are dedicated and pledged to those uses
13 and purposes.

1 9. There is appropriated to the fund created under section 8 of
2 this act the sum of \$450,000.00 dollars for the purpose of estab-
3 lishing and maintaining the costs of electronic data processing,
4 telephone and expedited over the counter corporate services in
5 the Department of State, Division of Commercial Recording as
6 provided by this act. Any amount expended from this appropria-
7 tion shall be repaid to the General State Fund by the end of the
8 1985 fiscal year from fees deposited in the fund created under
9 section 8 of this act.

1 10. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to establish a Division of Commercial Recording in the Department of State and establish a program so as to provide the public with immediate telephone access to corporate information. This act would further provide for the establishment of a program of expedited over the counter corporate services to ensure fast, one day efficient service.

Those persons choosing to utilize this service would be charged a fee of \$5.00 for each transaction in addition to the current statutory fee for the non-expedited service. The additional fee would be held in a fund to specifically cover the costs of the telephone, electronic data processing and expedited services.

The establishment of these programs are essential for New Jersey to compete with other states in attracting new business and in creating a better corporate and financial environment.

1 9. There is appropriated to the fund created under section 8 of
2 this act the sum of \$450,000.00 dollars for the purpose of estab-
3 lishing and maintaining the costs of electronic data processing,
4 telephone and expedited over the counter corporate services in
5 the Department of State, Division of Commercial Recording as
6 provided by this act. Any amount expended from this appropria-
7 tion shall be repaid to the General State Fund by the end of the
8 1985 fiscal year from fees deposited in the fund created under
9 section 8 of this act.

1 10. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to establish a Division of Commercial Recording in the Department of State and establish a program so as to provide the public with immediate telephone access to corporate information. This act would further provide for the establishment of a program of expedited over the counter corporate services to ensure fast, one day efficient service.

Those persons choosing to utilize this service would be charged a fee of \$5.00 for each transaction in addition to the current statutory fee for the non-expedited service. The additional fee would be held in a fund to specifically cover the costs of the telephone, electronic data processing and expedited services.

The establishment of these programs are essential for New Jersey to compete with other states in attracting new business and in creating a better corporate and financial environment.

S1773 (1982)

OFFICE OF THE GOVERNOR

PLEASE: IMMEDIATE

CONTACT: CARL GOLDEN

WEDNESDAY, OCTOBER 13, 1982

Governor Thomas H. Kean today signed legislation to establish a Division of Commercial Recording in the Department of State and to levy a \$5 fee for corporate information via telephone or over the counter.

The bill, S-1773, was sponsored by Senator James P. Vreeland, R-Morris. The corporate information service was eliminated as a result of reduced appropriations for the Department of State.

Its reinstatement and the levying of the \$5 fee resulted from protests by attorneys and the banking industry that the service was valuable to them and should be continued.

The bill provides for a loan of \$450,000 to the Division of meet start-up costs. It is estimated that in the first year of operation, the Division will take in \$391,000. These funds will be used to repay the loan and in ensuing years, the Division will be self-sustaining.

Kean also signed A-1494, sponsored by Assemblyman John Girgenti, D-Passaic, to provide that, when a municipal parking authority membership is increased from five to seven, the mayor of the municipality shall appoint the two additional members.

#