

CHAPTER 35**DIVISION OF COMMERCIAL RECORDING****Authority**

N.J.S.A. 14A:1-1 et seq., 14A:1-10, 52:16A-11,
56:1-1 et seq., and 56:3-1 et seq.

Source and Effective Date

R.2009 d.12, December 4, 2008.
See: 40 N.J.R. 3969(a), 41 N.J.R. 288(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 35, Division of Commercial Recording, expires on December 4, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 2 of Title 15, Division of Commercial Recording, was re-codified as N.J.A.C. 17:35 and readopted as R.2003 d.361, effective August 13, 2003. See: 35 N.J.R. 2411(b), 35 N.J.R. 4296(a).

Chapter 35, Division of Commercial Recording, was readopted as R.2009 d.12, December 4, 2008. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. EXPEDITED SERVICES**17:35-1.1 Services that will be provided on an expedited basis**

(a) The Department of the Treasury's Filing Office shall provide expedited over the counter corporate services for the following requests:

1. Any information contained in the annual report of a corporation or a limited partnership;
2. A certificate of standing, either long form, short form, or certificate listing charter documents;
3. A certified or uncertified copy of document, except trade name filing, filed with the Filing Office;
4. A certificate as to the existence or nonexistence of any document, except trade name filings on record with the Filing Office;
5. The availability of a corporate name or a limited partnership name;
6. Filing corporate documents or limited partnership documents;
7. The name and address of the registered agent of a corporation or limited partnership;
8. The filing date of a certificate of incorporation for a domestic corporation or the filing date of a certificate of limited partnership or the filing date for a certificate of qualification for a foreign corporation or limited partnership;
9. The name and address of the corporation's or a limited partnership's registered agent;
10. A U.C.C. 1 filing pursuant to N.J.S.A. 12A:9-516 et seq.;
11. A U.C.C. 3 filing pursuant to N.J.S.A. 12A:9-516 et seq.;
12. A U.C.C. 3 filing pursuant to N.J.S.A. 12A:9-516 et seq. provided that the U.C.C. 11 search shall not exceed 20 filings. Searches over 20 filings can be expedited but may not be completed within the same day;
13. An application to be a Notary Public;
14. An application to renew one's commission as a Notary Public;
15. Certification of an official signature of a document, when the official's signature is on file with the Filing Office. This includes the issuances of apostilles.

(b) The Filing Office shall provide expedited telephone service for the following requests:

1. The availability of a corporate name or limited partnership name;
2. Whether or not a corporation's certificate of incorporation or authority has been voided or revoked;
3. The name and address of the registered agent of a corporation or limited partnership;
4. The filing date of a certificate of incorporation for a domestic corporation or limited partnership or the filing date for a certificate of qualification for a foreign corporation or limited partnership;
5. The name and address of the registered agent of a corporation or limited partnership which has filed a fictitious/alternate name certificate;
6. The date when the last annual report was filed for a corporation or limited partnership.

(c) The Department of the Treasury may add to or modify its expedited services program in order to take advantage of technological advances or to respond to new/evolving filing and information access needs of the business community and general public. All expedited program changes must be published and accessible through the Filing Office website at www.nj.gov/treasury/revenue.

Amended by R.1985 d.327, effective July 1, 1985.
See: 17 N.J.R. 897(a), 17 N.J.R. 1670(a).
Amended by R.1988 d.202, effective May 2, 1988.
See: 20 N.J.R. 522(b), 20 N.J.R. 997(a).
Amended by R.2003 d.361, effective September 15, 2003.
See: 35 N.J.R. 2411(b), 35 N.J.R. 4296(a).
Amended N.J.S.A. references throughout; added (c).
Amended by R.2009 d.12, effective January 5, 2009.
See: 40 N.J.R. 3969(a), 41 N.J.R. 288(a).
In (c), updated the Filing Office website address.
Amended by R.2010 d.261, effective November 15, 2010.
See: 42 N.J.R. 1688(a), 42 N.J.R. 2808(a).

Section was "Services which will be provided on an expedited basis".
In (c), substituted "and accessible through" for "on".

17:35-1.2 Definitions

The words and terms used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Business day" means the time period running from 8:30 A.M. to 5:00 P.M., Monday through Friday, except State holidays.

"Expedited service" means accelerated processing of work requests received by the Filing Office on a business day in one of three timeframes selected by a submitter: same day 8.5 business hour service; one-business-hour service; or two-business-hour service.

"Filing Office" means the Department of the Treasury, Division of Revenue, Bureau of Business Support Services.

"One-business-hour service" means as soon as possible, but no later than one business-hour following receipt of the over the counter request by the Filing Office on a business day.

"Over the counter services" means:

1. Documents delivered to the Filing Office's expedited services counter by hand or by express delivery;
2. Subject to the approval of the Filing Office, documents telefaxed or transmitted electronically to the Filing Office;
3. Information requests made at the Filing Office's expedited service counter or any other location designated by the Filing Office.

"Same day service" means as soon as possible, but no later than 8.5 business hours following receipt of the over the counter request by the Filing Office on a business day.

"Two-business-hour service" means as soon as possible, but no later than two business-hours following receipt of the over the counter request by the Filing Office on a business day.

"Work request" means a written request, with the required fees, for filing a document or for copies of records or information on file with the Filing Office.

Amended by R.1988 d.202, effective May 2, 1988.
See: 20 N.J.R. 522(b), 20 N.J.R. 997(a).
Amended by R.2003 d.361, effective September 15, 2003.
See: 35 N.J.R. 2411(b), 35 N.J.R. 4296(a).
Added "Filing Office".

Amended by R.2010 d.261, effective November 15, 2010.
See: 42 N.J.R. 1688(a), 42 N.J.R. 2808(a).

Added definitions "Business day", "One-business-hour service", "Two-business-hour service" and "Work request"; rewrote definition "Expedited service"; in paragraph 1 of definition "Over the counter services", substituted "delivery" for "mail (Federal Express, etc.)"; substituted definition "Same day service" for definition "Same Day"; and rewrote definition "Same day service".

17:35-1.3 Exceptions

(a) Expedited services shall be rendered as soon as possible, but may extend beyond the expedited timeframes below, if the computer system utilized by the Filing Office is down, or if the Filing Office experiences other difficulties beyond its control, making expedited response impossible. In such cases, upon resuming normal operations, the Filing Office will process expedited requests on a first-in first-out basis, in the following priority order: one business-hour; two business-hour; and same day. Expedited requests will be given priority over mail-in requests.

(b) Any over the counter service may be rejected by the Filing Office unless the submission has a cover sheet specified by the Filing Office. The Filing Office may design the cover sheet and may from time to time redesign the cover sheet.