

CHAPTER 34

COMMERCIAL RECORDING-PUBLICATION OF BULK ACCESS FEE SCHEDULES

Authority

N.J.S.A. 12A:9-523(f), 12A:9-525, 14A:15-3, 15A:15-2, 22:4-1a, 42:2A-68, 42:2B-65, 52:7-11, 52:16A-40, 56:1-1 et seq., and 56:3-1 et seq.

Source and Effective Date

R.2009 d.13, effective December 4, 2008.
See: 40 N.J.R. 3968(a), 41 N.J.R. 287(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 34, Commercial Recording-Publication of Bulk Access Fee Schedules, expires on June 1, 2016. See: 47 N.J.R. 2912(a).

Chapter Historical Note

Chapter 34, Nonpublic Records: Registered Bondholder Listing, was adopted as R.1991 d.219, effective May 6, 1991. See: 23 N.J.R. 291(a), 23 N.J.R. 1421(c). Pursuant to Executive Order No. 66(1978), Chapter 34, Nonpublic Records: Registered Bondholder Listing, expired on May 6, 1996.

Chapter 34, Nonpublic Records: Registered Bondholder Listing, was adopted as new rules by R.1996 d.377, effective August 5, 1996. See: 28 N.J.R. 2835(a), 28 N.J.R. 3809(a). Pursuant to Executive Order No. 66(1978), Chapter 34, Nonpublic Records: Registered Bondholder Listing, expired on August 5, 2001.

Chapter 34, Commercial Recording-Publication of Bulk Access Fee Schedules, was adopted as new rules by R.2003 d.283, effective July 21, 2003. See: 35 N.J.R. 1524(a), 35 N.J.R. 3384(a).

Chapter 34, Commercial Recording-Publication of Bulk Access Fee Schedules, was readopted as R.2009 d.13, effective December 4, 2008. See: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 34, Commercial Recording-Publication of Bulk Access Fee Schedules, was scheduled to expire on December 4, 2015. See: 43 N.J.R. 1203(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

17:34-1.1 Purpose

(a) These rules outline the basic procedures for publishing fee schedules for bulk access to commercial recording records and reports maintained by the State’s filing officer, the State Treasurer, and the designated filing office, the Business Support Services Bureau, Division of Revenue. The rules also set forth procedures for obtaining records in bulk from the Business Support Services Bureau and the specific circumstances under which direct cost alternatives may apply to bulk access requests.

(b) Generally, these rules are designed to foster greater understanding and awareness of this access option.

17:34-1.2 Definitions

For the purposes of these procedures, the definitions below apply.

“Bulk access” means access to and dissemination of records and reports from the State’s commercial recording record systems in quantities of not less than 500 records or reports per request, in various formats including paper, magnetic and other digital media.

“Commercial recording record system” means any of the State’s traditional commercial recording records systems including, but not limited to, the corporate/business entity, trade name, trade/service mark, Uniform Commercial Code, and collection agency bond systems.

“Filing office” means the Department of the Treasury, Division of Revenue, Business Support Services Bureau, which hereafter shall be cited as DOR/BSSB.

“Filing officer” means the Treasurer of the State of New Jersey.

“Record/report” means any filed document or information stored in one of the State’s Commercial Recording systems.

SUBCHAPTER 2. PUBLISHING BULK ACCESS FEE SCHEDULES

17:34-2.1 Procedure for publishing bulk access fee schedules

(a) The filing officer may publish fees schedules for bulk access to records maintained within the State’s existing commercial recording record systems. Such schedules must contain line item numbers for each fee, the type of record or report associated with each line item, its informational content, the media on which the record or report will be provided, the manner in which the records/reports may be

selected (for example, filing date range, or filing number range), the per record/report fee amount and the statutory basis for the fee.

(b) DOR/BSSB shall publish any fee schedules for bulk access online at the Division of Revenue's Internet site (www.state.nj.us/treasury/revenue). DOR/BSSB shall also provide paper copies of bulk access fee schedules upon receipt of written requests directed to the Division of Revenue's e-mail address (info@revenue.state.nj.us) or sent via regular mail to PO Box 450, Trenton, NJ 08625.

SUBCHAPTER 3. PROCEDURES FOR BULK ACCESS

17:34-3.1 Procedure for obtaining commercial recording records/ reports in bulk

(a) Bulk access requests may be delivered to the DOR/BSSB through any of the means outlined below:

1. Personal delivery, at the DOR/BSSB's street address. The address is 225 West State Street, Trenton, NJ 08608, 3rd Floor;
2. Courier delivery, at the DOR/BSSB's street address. The address is 225 West State Street, Trenton, NJ 08608, 3rd Floor;
3. Postal service delivery, to the DOR/BSSB's mailing address. The address is PO Box 450, Trenton, New Jersey 08625; or
4. Electronic Mail. The e-mail address is info@revenue.state.nj.us.

17:34-3.2 Request format and process

(a) Bulk access requests must clearly reference the line item from the applicable DOR/BSSB bulk access fee schedule, the type of record/report involved and the selection criteria (for example, filing date range or filing range number), the medium on which the records/reports should be returned to the requester and a return address. If the bulk request relates to a record/report format not currently listed on a bulk access fee schedule, the request must reference the record system involved and the specific type of information required, along with suggested selection criteria and output media designation.

(b) Upon receipt of a bulk access request, DOR/BSSB shall determine whether the request meets the criterion for bulk access (500 records/reports or more) and then determine the total cost of the request based on the volume of records/reports associated with the selection criteria and applicable per record/report fee. If the request is for records/reports not listed on an existing bulk fee schedule, DOR/BSSB will assess the informational content of the request, determine which existing access fee applies, and then calculate the total cost of the request. The filing officer must concur with the

DOR/BSSB's fee determination before work on the request may proceed.

(c) For requests that meet the bulk access criterion and that can be output to the requested medium, DOR/BSSB will write back to the requester indicating the total cost and estimated time frame for providing the requested records/reports. The requester may submit, via a method of delivery listed in this subchapter, a written authorization to proceed to DOR/BSSB, along with payment of the fee amount by one of the methods listed in this subchapter. Alternately, the requester may submit a modified access request by adjusting the selection criteria. Upon receipt of authorization and payment in full for a bulk request, DOR/BSSB will produce the requested records/reports and send them to the requester (to the requester's specified address), on the specified media.

(d) For requests that do not meet the bulk access criterion or that are otherwise not feasible to process due to technical limitations associated with output media or filing office processing capabilities, DOR/BSSB will advise the requester in writing, and specify the reasons that the bulk request cannot be fulfilled. In the same communication, DOR/BSSB shall advise the requester of any alternative methods for obtaining the requested records/reports.

(e) DOR/BSSB will add new line items to its bulk access fee schedules each time a new bulk request is fulfilled in accordance with the procedures set forth at N.J.A.C. 17:34-2.1.

(f) Bulk access requesters may pay for bulk access services by the following methods:

1. Checks. Personal, cashier's or certified checks made payable to the "Treasurer, State of New Jersey" are acceptable.
 - i. Restrictions on the use of cashier's checks or certified checks. The DOR/BSSB may from time to time disallow the use of specific banks and financial institutions. Restrictions in this area must be for cause and such shall be communicated to the affected drawer and the drawer's bank or financial institution.
 - ii. Restrictions on the use of personal checks. DOR/BSSB may require a requester to use cashier's checks or certified checks in place of personal checks. Restrictions in this area must be for cause and such shall be communicated to the affected party.
2. Prepaid account. A requester may open an account for prepayment of fees by submitting an application furnished by the DOR/BSSB. The minimum balance for a prepaid account is \$500.00. The DOR/BSSB shall issue an account number to be used by a requester who chooses to pay fees in advance. The DOR/BSSB shall deduct fees from the requester's prepaid account when DOR/BSSB performs a bulk access service. Upon written request to PO Box 455, Trenton, NJ 08625 (ATTN: Depository Ac-

counts), the DOR/BSSB will provide an agreement form for establishing a prepaid account.

3. Credit card: The DOR/BSSB accepts credit card payments from VISA, Master Card, Discover and American Express. Requesters shall provide the DOR/BSSB with the card number, the expiration date of the card, the name of the approved card issuer, the name of the person or entity to whom the card is issued and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed to the DOR/BSSB that payment will be forthcoming.

(g) The process outlined in this subchapter can be instituted on an ongoing basis such that DOR/BSSB provides periodic bulk updates to reflect changes (additions and modifications) to the various commercial recording record systems.

SUBCHAPTER 4. PROCEDURES FOR APPLYING DIRECT COST CRITERION OR SELF-COPY FEES FOR BULK ACCESS

17:34-4.1 Circumstances in which direct cost criterion or self-copy fees may apply, and associated request procedures

(a) Through the DOR/BSSB, the filing officer may grant bulk access for the direct cost of reproduction, including special programming costs, under the following circumstances:

1. Non-profit usage. The direct cost criterion may be applied in cases where a bona-fide nonprofit organization seeks to use commercial recording records/reports on a non-recurring basis, for a purpose directly associated with its organizational mission. DOR/BSSB may request any documentation needed to establish the nonprofit status of the requester, including, but not limited to, documentation regarding corporate status, 501c(3) status and compliance with charities registration. The requester must also satisfactorily describe the intended uses for the requested records/reports and certify that the uses relate directly to the organization's nonprofit purpose.

i. Nonprofits seeking bulk access must follow the procedures set forth at N.J.A.C. 17:34-3 and add a written statement to their requests indicating that they wish to obtain the requested records/reports for a non-recurring nonprofit purpose. DOR/BSSB may require the requester provide additional documentation to establish the requester's nonprofit credentials and/or to determine

nature of the intended use of the requested records/reports.

ii. If the request is granted, DOR/BSSB and the requester shall complete the bulk access process in accordance with the procedures set forth at N.J.A.C. 17:34-3.2, except that the direct cost of reproduction shall be substituted for the fee amount.

iii. If the request is denied, the requester may obtain access for the statutory fee amount.

2. Limited informational lists on the Internet. The direct cost criterion may be applied in cases where DOR/BSSB provides limited informational list services on the Internet as a convenience to the general public and business community. Such list services may be basic abstracts of commercial recording records on file with DOR/BSSB and may be drawn from secondary information sources such as duplicate computer files established for Internet information access services. The procedures for accessing informational lists shall be set forth on the applicable Internet site.

(b) On-site self-copying. To facilitate the implementation of New Jersey's revised Uniform Commercial Code bulk copying provisions (N.J.S.A. 12A:9-523(f)), DOR/BSSB may allow a requester to copy Uniform Commercial Code records at DOR/BSSB's work site using his or her own equipment and personnel. Self-copying will only be allowed if such operations pose no risks of disrupting DOR/BSSB's routine services or of compromising the security or integrity of the State's commercial recording record systems. DOR/BSSB shall, at its sole discretion, determine whether any requested self-copying operation poses an unacceptable risk to service levels or system security/integrity. DOR/BSSB shall publish bulk self-copying fees in accordance with the procedures set forth at N.J.A.C. 17:34-2.1.

1. Persons requesting on-site self-copying must follow the procedures set forth at N.J.A.C. 17:34-3 and add a written statement to their requests indicating that they wish to perform on-site self-copying. DOR/BSSB may require the requester provide additional documentation to determine the nature and scope of the requested self-copying operation.

i. If the request is granted, DOR/BSSB and the requester shall complete the bulk access process in accordance with the procedures set forth at N.J.A.C. 17:34-3.2.

ii. If the request is denied, the requester may obtain access for the statutory fee amount.