

TREASURY - GENERAL
DIVISION OF REVENUE
Business Support Services Bureau/Commercial Recording Bureau
Publication of Bulk Access Fee Schedules

Proposed Readoption: N.J.A.C. 17:34

Authorized By: David Rousseau, Acting State Treasurer

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2008-230

Submit comments by September 5, 2008 to:

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The agency proposal follows:

Summary

Pursuant to Executive Order No. 66 (1978) and N.J.S.A 52:14B-5.1, N.J.A.C. 17:34 will expire on January 17, 2009. The rules encompass policies and procedures for the publication of the State of New Jersey's Commercial Recording Bulk Access Fee Schedules.

The Division of Revenue has reviewed these rules and has determined them to be necessary, reasonable, adequate, efficient, and responsive for the purpose for which they were originally, and are now, promulgated.

The purpose of the rules proposed for the readoption is to specify 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.

Generally, the rules proposed for readoption are designed to foster greater understanding of this access option.

A summary of each subchapter proposed for readoption follows:

Subchapter 1 lists the purpose of the rules and the basic definitions that relate to the bulk access fee schedules.

Subchapter 2 defines the procedures for publishing the bulk access fee schedules.

Subchapter 3 defines the procedures for obtaining commercial recording records/reports in bulk.

Subchapter 4 details the circumstances in which direct cost criterion or self-copy fees may apply, as well as the associated request procedures.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

Access to the corporate, Uniform Commercial Code and other commercial recording record systems has an important and positive impact on society. Collectively, these systems provide public notice of key commercial transactions such as the formation of legal business entities, filing of commercial liens, and registration of trade names and trademarks. The State provides access to commercial recording records and reports on a for-fee basis. In this connection, the State has the means to provide such records reports in bulk, in various formats including paper, magnetic and other digital media. Accordingly, as custodian of the State's commercial recording record systems, the Department of the Treasury publishes bulk access fee schedules. This practice fosters greater understanding and awareness of this access option..

Economic Impact

The Commercial Recording – Publication of Bulk Access Fee Schedules are designed to foster a greater understanding of this access option. By allowing for standardized commercial processes, including obtained copies of filed business entity records in bulk, the Business Support Services Bureau facilitates the flow of capital and commerce in this State. In terms of the cost impacts on the private sector, the rules proposed for readoption implement the service fees found in N.J.S.A. 14A:15-3, 15A:15-2, 42:2A-68, 42:2B-65, 22:4-1A, 12A:9-525, 12A:9-523(F), 52:16A-40, 52:7-11, and 56:1-1.

Federal Standards Statement

A Federal standards statement is not required because the rules proposed for readoption relate strictly to the State of New Jersey's bulk commercial recording record access services and associated fees. The rules are therefore independent from any Federal systems or requirements.

Jobs Impact

The rules proposed for reoption will not result in the creation or loss of jobs.

Agricultural Industry Impact

The rules proposed for reoption will not have an impact on the agricultural industry.

Regulatory Flexibility Analysis

The rules proposed for reoption with amendments are designed to ensure that clear and consistent policies and procedures are in place for key commercial recording services and program elements. Anyone submitting requests for Bulk Access of Commercial Recording Data, including small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., must comply with the policies/procedures set forth in the rules. Fees and administrative costs that will be incurred are discussed in the Economic Impact above. Professional services are not required for compliance with these rules. The Division considers the requirements set forth in the rules to be the minimum necessary for the maintenance of comprehensive, workable and accessible services in the areas covered. For that reason, and because the requirements imposed are not administratively burdensome, the Division has not provided any exceptions or lesser requirements for small businesses.

Smart Growth Impact

The rules proposed for reoption with amendments will not have an impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the proposed reoption may be found in the New Jersey Administrative Code at N.J.A.C. 17:34.