

1978 S.C. Op. Atty. Gen. 216 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-192, 1978 WL 22660

Office of the Attorney General

State of South Carolina

Opinion No. 78-192

November 13, 1978

***1 SUBJECT: Secretary of State, Uniform Commercial Code**

(1) Only fees enumerated by statute may be charged in connection with filings under Article 9 of the UCC.

(2) A financing statement filing fee of \$1.00 per page for each additional page over three is not authorized by statute and therefore may not be charged.

TO: Clara L. Bartlett

Register of Mesne Conveyances for Richland County

QUESTION:

May the Secretary of State and the County officers responsible for Uniform Commercial Code filings charge of a fee of an additional \$1.00 per page for each additional page over three (3) attached to any of the standard forms of filings?

STATUTES AND CASES:

[Sections 36-9-403](#) through [36-9-407](#), 1976 Code of Laws of South Carolina, as amended.

DISCUSSION:

[Sections 36-9-403](#) through [36-9-407 of the 1976 Code](#) (part of the Uniform Commercial Code) authorize the charging of certain uniform fees for filing, indexing and furnishing filing data in record searches under the Uniform Commercial Code. Section 7 of Part II of Act No. 644 of 1978 (the General Appropriations Act) amends the aforesaid sections to increase the fees by several dollars in most cases. In addition to those fees, however, the Secretary of State as well as numerous county officials have charged \$1.00 per page for each additional page over three which are attached to any of the above filings. No statutory authority has been found which authorizes this additional charge. In the absence of such express statutory authority, and also in the absence of any general authority in those officers to charge additional fees, the conclusion is unmistakable that those additional fees may not lawfully be charged.

CONCLUSION:

Only fees enumerated by statute may be charged in connection with filings under Article 9 of the UCC.

Kenneth P. Woodington

Assistant Attorney General

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