



# Uniform Law Commission

The National Conference of Commissioners on Uniform State Laws

Contact Us: 312.450.6600

## Legislative Fact Sheet - UCC Article 9 Amendments (2010)

### Act UCC Article 9 Amendments (2010)

**Origin** Completed by the Uniform Law Commissioners, in conjunction with the American Law Institute, in 2010.

**Description** The Uniform Commercial Code (UCC) Article 9 governs secured transactions in personal property. UCC9 was substantially revised in 1998 and adopted in all states. The 2010 Amendments to UCC9 modify the existing statute to respond to filing issues and address other matters that have arisen in practice following a decade of experience with the 1998 version of UCC9. Of most importance, the 2010 Amendments provide greater guidance as to the name of an individual debtor to be provided on a financing statement.

**Endorsements** (Approved by the American Bar Association)

**Enactments** Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oregon, Puerto Rico, Rhode Island, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin

**2013 Introductions** Alaska, Arizona, Delaware, District of Columbia, Massachusetts, Mississippi, Missouri, Montana, New Mexico, Oklahoma, Pennsylvania, Utah, Wyoming

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## Why States Should Adopt 2010 Amendments to UCC Article 9

Article 9 of the Uniform Commercial Code governs secured transactions in personal property. Article 9 was substantially revised in 1998, and the 1998 revisions are in effect in all states and the District of Columbia. The 2010 amendments to Article 9 modify the existing statute to respond to filing issues and address other matters that have arisen in practice following a decade of experience with the revised Article 9.

Of most importance, the amendments provide greater guidance as to the name of an individual debtor to be provided on a financing statement. The amendments offer two alternatives to each state:

- Alternative A provides that, if the debtor holds a driver's license issued by the state where the financing statement is filed, the debtor's name as it appears on the driver's license is the name required to be used on the financing statement. If the debtor does not have such a driver's license, either the debtor's actual name or the debtor's surname and first personal name may be used on the financing statement.
- Alternative B provides that the debtor's driver's license name, the debtor's actual name or the debtor's surname and first personal name may be used on the financing statement.

A state considering adopting Alternative A should in particular consider whether the state's driver's license database is compatible with its Uniform Commercial Code database as to characters, field length and the like.

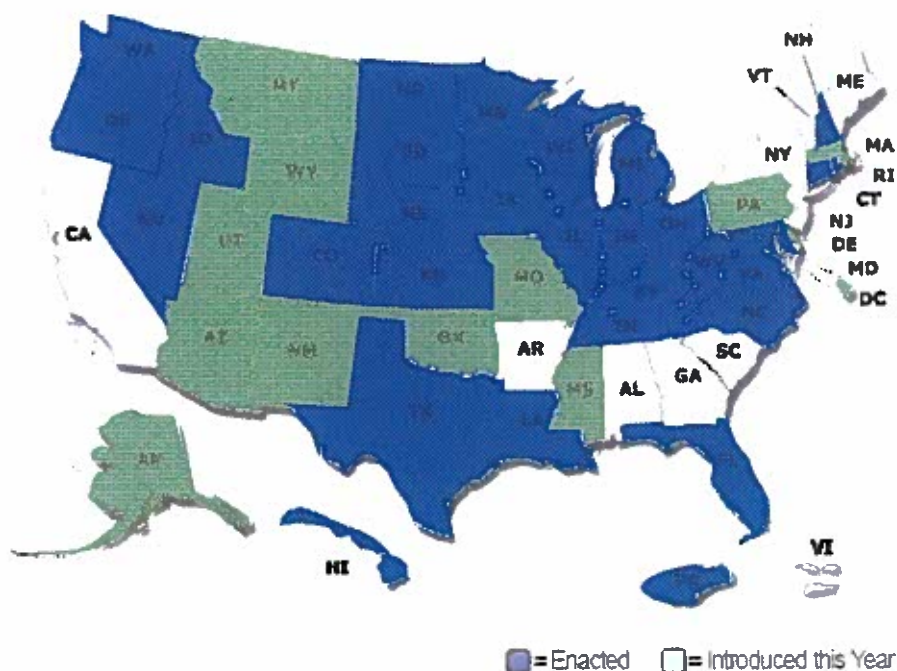
The amendments further improve the filing system for the filing of financing statements. More detailed guidance is provided for the debtor's name on a financing statement when the debtor is a corporation, limited liability company or limited partnership or when the collateral is held in a statutory or common law trust or in a decedent's estate. Some extraneous information currently provided on financing statements will no longer be required.

In addition, the amendments provide greater protection for an existing secured party having a security interest in after-acquired property when its debtor relocates to another state or merges with another entity.

The amendments also contain a number of technical changes that respond to issues arising in the marketplace and a set of transition rules.

A state should adopt the 2010 amendments so that its Article 9 rules will benefit from the experience with the existing statute and are up to date.

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**Enactment Status Map****Legislative Tracking****2013 Introductions & Enactments**

State	Bill	Sponsor	Status
Alaska	HB 9	Gruenberg	Introduced
Arizona	SB 1039	Reagan	Introduced
Delaware	HB 8	Walker	Introduced
District of Columbia	19-222	Alexander	Introduced
Massachusetts	HB 28		Introduced
Mississippi	SB 2609	Doty	Introduced
Missouri	HB 212	Cox	Introduced
Montana	HB 212		Introduced
New Mexico	SB 146	Ivey-Soto	Introduced
Oklahoma	SB 371	Ivester	Introduced
Pennsylvania	HB 24	Grell	Introduced
Utah	SB 41	Hillyard	Introduced
Wyoming	SB 13		Introduced