

**355.3-105 Issue of instrument.**

- (1) "Issue" means:
  - (a) The first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person; or
  - (b) If agreed by the payee, the first transmission by the drawer to the payee of an image of an item and information derived from the item that enables the depository bank to collect the item by transferring or presenting under federal law an electronic check.
- (2)
  - (a) An unissued instrument, or an unissued incomplete instrument that is completed, is binding on the maker or drawer, but nonissuance is a defense.
  - (b) An instrument that is conditionally issued or is issued for a special purpose is binding on the maker or drawer, but failure of the condition or special purpose to be fulfilled is a defense.
- (3) "Issuer" applies to issued and unissued instruments and means a maker or drawer of an instrument.

**Effective:** January 1, 2025

**History:** Amended 2024 Ky. Acts ch. 10, sec. 21, effective January 1, 2025. -- Repealed and reenacted 1996 Ky. Acts ch. 130, sec. 5, effective January 1, 1997. -- Amended 1964 Ky. Acts ch. 130, sec. 2, effective July 1, 1964. -- Created 1958 Ky. Acts ch. 77, sec. 3-105, effective July 1, 1960.