

355.9-312 Perfection of security interests in chattel paper, deposit accounts, documents, goods covered by documents, instruments, investment property, letter-of-credit rights, and money -- Perfection by permissive filing -- Temporary perfection without filing or transfer of possession. (Effective until January 1, 2025)

- (1) A security interest in chattel paper, negotiable documents, instruments, or investment property may be perfected by filing.
- (2) Except as otherwise provided in KRS 355.9-315(3) and (4) for proceeds:
 - (a) A security interest in a deposit account may be perfected only by control under KRS 355.9-314;
 - (b) And except as otherwise provided in KRS 355.9-308(4), a security interest in a letter-of-credit right may be perfected only by control under KRS 355.9-314; and
 - (c) A security interest in money may be perfected only by the secured party's taking possession under KRS 355.9-313.
- (3) While goods are in the possession of a bailee that has issued a negotiable document covering the goods:
 - (a) A security interest in the goods may be perfected by perfecting a security interest in the document; and
 - (b) A security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.
- (4) While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:
 - (a) Issuance of a document in the name of the secured party;
 - (b) The bailee's receipt of notification of the secured party's interest; or
 - (c) Filing as to the goods.
- (5) A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession or control for a period of twenty (20) days from the time it attaches to the extent that it arises for new value given under an authenticated security agreement.
- (6) A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for twenty (20) days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:
 - (a) Ultimate sale or exchange; or
 - (b) Loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.
- (7) A perfected security interest in a certificated security or instrument remains perfected for twenty (20) days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

- (a) Ultimate sale or exchange; or
 - (b) Presentation, collection, enforcement, renewal, or registration of transfer.
- (8) After the twenty (20) day period specified in subsection (5), (6), or (7) of this section expires, perfection depends upon compliance with this article.

Effective: July 1, 2013

History: Amended 2012 Ky. Acts ch. 132, sec. 69, effective July 1, 2013. -- Repealed and reenacted 2000 Ky. Acts ch. 408, sec. 52, effective July 1, 2001. -- Amended 1996 Ky. Acts ch. 130, sec. 178, effective January 1, 1997 -- Amended 1986 Ky. Acts ch. 118, sec. 71, effective July 1, 1987. -- Amended 1982 Ky. Acts ch. 199, sec. 2, effective July 15, 1982. -- Amended 1962 Ky. Acts ch. 83, sec. 8. -- Created 1958 Ky. Acts ch. 77, sec. 9-312.

Legislative Research Commission Note (3/14/2013). 2013 Ky. Acts ch. 10, secs. 2 and 3 provide that the statutes in Article 9 of the Uniform Commercial Code that were amended or created in 2012 Ky. Acts ch. 132, secs. 60 to 99, are effective July 1, 2013. This statute was one of those sections. Since only the effective date of a prior Act was altered, and not the text of the affected statutes, reference to 2013 Ky. Acts ch. 10 does not appear in the history for this statute.

Legislative Research Commission Note (7/12/2012). In 2010, the National Conference of Commissioners on Uniform State Laws and the American Law Institute proposed a Uniform Act for adoption by the states that contained revisions to Article 9 of the Uniform Commercial Code. The effective date for all proposed Article 9 revisions was to be July 1, 2013. Those revisions were enacted in 2012 Ky. Acts Chapter 132, Sections 60 to 99. Sections 60 to 90 contained the substantive Article 9 revisions, and Sections 91 to 99 contained the transitional Article 9 revisions created to handle secured transactions made prior to July 1, 2013. Section 91 of that Act (codified as KRS 355.9-801) and Section 102 of that Act (a noncodified effective date provision) both stated, "Sections 91 to 99 of this Act take effect July 1, 2013." The normal effective date for legislation enacted at the 2012 Regular Session of the General Assembly is July 12, 2012. In Opinion of the Attorney General 12-010, issued July 3, 2012, Section 91 (codified as KRS 355.9-801) was determined to have contained a manifest clerical error, and should have instead read, "Sections 60 to 90 of this Act take effect July 1, 2013," thereby making the substantive Article 9 revisions effective on the same date as the transitional Article 9 provisions in conformity with the 2010 Uniform Act proposal and 2012 Ky. Acts Chapter 132, Section 102. This statute was one of the substantive provisions of Article 9 contained in 2012 Ky. Acts Chapter 132, Sections 60 to 90.