

2021 Kansas Statutes

84-9-109. Scope. (a) General scope of article. Except as otherwise provided in subsections (c) and (d), this article applies to:

- (1) A transaction, regardless of its form, that creates a security interest in personal property or fixtures by contract;
- (2) an agricultural lien;
- (3) a sale of accounts, chattel paper, payment intangibles, or promissory notes;
- (4) a consignment;
- (5) a security interest arising under K.S.A. 84-2-401, 84-2-505, 84-2-711(3) or 84-2a-508(5), and amendments thereto, as provided in K.S.A. 2021 Supp. 84-9-110, and amendments thereto; and
- (6) a security interest arising under K.S.A. 84-4-201 or 84-5-118, and amendments thereto.

(b) Security interest in secured obligation. The application of this article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this article does not apply.

(c) Extent to which article does not apply. This article does not apply to the extent that:

- (1) A statute, regulation, or treaty of the United States preempts this article;
- (2) another statute of this state expressly governs the creation, perfection, priority or enforcement of a security interest created by this state or a governmental unit of this state;
- (3) a statute of another state, a foreign country, or a governmental unit of another state or a foreign country, other than a statute generally applicable to security interests, expressly governs creation, perfection, priority, or enforcement of a security interest created by the state, country, or governmental unit; or
- (4) the rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under K.S.A. 84-5-114, and amendments thereto.

(d) Inapplicability of article. This article does not apply to:

- (1) A landlord's lien, other than an agricultural lien;
- (2) a statutory lien, or a lien given by statute or other rule of law for services or materials, but K.S.A. 2021 Supp. 84-9-333, and amendments thereto, applies with respect to priority of the lien;
- (3) an assignment of a claim for wages, salary, or other compensation of an employee;
- (4) a sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;
- (5) an assignment of accounts, chattel paper, payment intangibles, or promissory notes which is for the purpose of collection only;
- (6) an assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;
- (7) an assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;
- (8) a transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent assignment of the right to payment, but K.S.A. 2021 Supp. 84-9-315 and 84-9-322, and amendments thereto, apply with respect to proceeds and priorities in proceeds;
- (9) an assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;
- (10) a right of recoupment or set-off, but:
 - (A) K.S.A. 2021 Supp. 84-9-340, and amendments thereto, applies with respect to the

- effectiveness of rights of recoupment or set-off against deposit accounts; and
- (B) K.S.A. 2021 Supp. 84-9-404, and amendments thereto, applies with respect to defenses or claims of an account debtor;
- (11) the creation or transfer of an interest in or lien on real property, including a lease or rents thereunder, except to the extent that provision is made for:
- (A) Liens on real property in K.S.A. 2021 Supp. 84-9-203 and 84-9-308, and amendments thereto;
- (B) fixtures in K.S.A. 2021 Supp. 84-9-334, and amendments thereto;
- (C) fixture filings in K.S.A. 2021 Supp. 84-9-501, 84-9-502, 84-9-512, 84-9-516 and 84-9-519, and amendments thereto; and
- (D) security agreements covering personal and real property in K.S.A. 2021 Supp. 84-9-604, and amendments thereto;
- (12) an assignment of a claim arising in tort, other than a commercial tort claim, but K.S.A. 2021 Supp. 84-9-315 and 84-9-322, and amendments thereto, apply with respect to proceeds and priorities in proceeds;
- (13) an assignment of a deposit account in a consumer transaction, but K.S.A. 2021 Supp. 84-9-315 and 84-9-322, and amendments thereto, apply with respect to proceeds and priorities in proceeds;
- (14) an assignment of rights in or under:
- (A) A claim or right to receive benefits under any workers compensation, industrial accident or similar statute or regulation which provides benefits for occupational injury or illness; or
- (B) a deferred payment or benefit arrangement that enables a participant to exclude or defer recognition of income for purposes of federal or state income taxation;
- (15) a transfer by a government or governmental agency or subdivision; or
- (16) the creation, attachment, perfection, priority or enforcement of any sale, assignment of, pledge of, security interest in or other transfer of any interest in, right or portion of any interest or right in any securitized utility tariff property, as defined in K.S.A. 2021 Supp. 66-1,240, and amendments thereto, except as otherwise provided in the utility financing and securitization act.

History: L. 2000, ch. 142, § 9; L. 2002, ch. 159, § 9; L. 2021, ch. 29, § 16; April 22.

Revisor's Note:

Former section 84-9-109 was repealed by L. 2000, ch. 142, § 155 and the number reassigned to the current text.