

By: Representative Frierson

To: Marine Resources;
Transportation

HOUSE BILL NO. 1111

1 AN ACT TO BRING FORWARD SECTIONS 63-21-5 AND 75-9-102,
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE DEFINITIONS FOR MOTOR
3 VEHICLE TITLES AND MARINE VESSELS FOR PURPOSES OF AMENDMENT; AND
4 FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 63-21-5, Mississippi Code of 1972, is
7 brought forward as follows:

8 63-21-5. The following words and phrases when used in this
9 chapter shall, for the purpose of this chapter, have the meanings
10 respectively ascribed to them in this section except where the
11 context clearly indicates a different meaning:

12 (a) "State Tax Commission" means the State Tax
13 Commission of the State of Mississippi.

14 (b) "Dealer" means every person engaged regularly in
15 the business of buying, selling or exchanging motor vehicles,
16 trailers, semitrailers, trucks, tractors or other character of
17 commercial or industrial motor vehicles in this state, and having
18 in this state an established place of business as defined in
19 Section 27-19-303, Mississippi Code of 1972. The term "dealer"
20 shall also mean every person engaged regularly in the business of
21 buying, selling or exchanging manufactured housing in this state,
22 and licensed as a dealer of manufactured housing by the
23 Mississippi Department of Insurance.

24 (c) "Designated agent" means each county tax collector
25 in this state who may perform his duties under this chapter either
26 personally or through any of his deputies, or such other persons
27 as the State Tax Commission may designate. The term shall also
28 mean those "dealers" as herein defined and/or their officers and

29 employees and other persons who are appointed by the State Tax
30 Commission in the manner provided in Section 63-21-13, Mississippi
31 Code of 1972, to perform the duties of "designated agent" for the
32 purposes of this chapter.

33 (d) "Implement of husbandry" means every vehicle
34 designed and adapted exclusively for agricultural, horticultural
35 or livestock raising operations or for lifting or carrying an
36 implement of husbandry and in either case not subject to
37 registration if used upon the highways.

38 (e) "Vehicle identification number" means the numbers
39 and letters on a vehicle, manufactured home or mobile home
40 designated by the manufacturer or assigned by the State Tax
41 Commission for the purpose of identifying the vehicle,
42 manufactured home or mobile home.

43 (f) "Lien" means every kind of written lease which is
44 substantially equivalent to an installment sale or which provides
45 for a right of purchase; conditional sale; reservation of title;
46 deed of trust; chattel mortgage; trust receipt; and every other
47 written agreement or instrument of whatever kind or character
48 whereby an interest other than absolute title is sought to be held
49 or given on a motor vehicle, manufactured home or mobile home.

50 (g) "Lienholder" means any natural person, firm,
51 copartnership, association or corporation holding a lien as herein
52 defined on a motor vehicle, manufactured home or mobile home.

53 (h) "Manufactured housing" or "manufactured home" means
54 any structure, transportable in one or more sections, which in the
55 traveling mode, is eight (8) body feet or more in width or forty
56 (40) body feet or more in length or, when erected on site, is
57 three hundred twenty (320) or more square feet and which is built
58 on a permanent chassis and designed to be used as a dwelling with
59 or without a permanent foundation when connected to the required
60 utilities, and includes the plumbing, heating, air-conditioning
61 and electrical systems contained therein; except that such terms

62 shall include any structure which meets all the requirements of
63 this paragraph except the size requirements and with respect to
64 which the manufacturer voluntarily files a certification required
65 by the Secretary of Housing and Urban Development and complies
66 with the standards established under the National Manufactured
67 Housing Construction and Safety Standards Act of 1974, 42 USCS,
68 Section 5401.

69 (i) "Manufacturer" means any person regularly engaged
70 in the business of manufacturing, constructing or assembling motor
71 vehicles, manufactured homes or mobile homes, either within or
72 without this state.

73 (j) "Mobile home" means any structure, transportable in
74 one or more sections, which in the traveling mode, is eight (8)
75 body feet or more in width or forty (40) body feet or more in
76 length or, when erected on site, is three hundred twenty (320) or
77 more square feet and which is built on a permanent chassis and
78 designed to be used as a dwelling with or without a permanent
79 foundation when connected to the required utilities, and includes
80 the plumbing, heating, air-conditioning and electrical systems
81 contained therein and manufactured prior to June 15, 1976.

82 (k) "Motorcycle" means every motor vehicle having a
83 seat or saddle for the use of the rider and designed to travel on
84 not more than three (3) wheels in contact with the ground, but
85 excluding a farm tractor.

86 (l) "Motor vehicle" means every automobile, motorcycle,
87 mobile trailer, semitrailer, truck, truck tractor, trailer and
88 every other device in, upon, or by which any person or property is
89 or may be transported or drawn upon a public highway which is
90 required to have a road or bridge privilege license, except such
91 as is moved by animal power or used exclusively upon stationary
92 rails or tracks.

93 (m) "New vehicle" means a motor vehicle, manufactured
94 home or mobile home which has never been the subject of a first
95 sale for use.

96 (n) "Used vehicle" means a motor vehicle, manufactured
97 home or mobile home that has been the subject of a first sale for
98 use, whether within this state or elsewhere.

99 (o) "Owner" means a person or persons holding the legal
100 title of a vehicle, manufactured home or mobile home; in the event
101 a vehicle, manufactured home or mobile home is the subject of a
102 deed of trust or a chattel mortgage or an agreement for the
103 conditional sale or lease thereof or other like agreement, with
104 the right of purchase upon performance of the conditions stated in
105 the agreement and with the immediate right of possession vested in
106 the grantor in the deed of trust, mortgagor, conditional vendee or
107 lessee, said grantor, mortgagor, conditional vendee or lessee
108 shall be deemed the owner for the purpose of this chapter.

109 (p) "Person" includes every natural person, firm,
110 copartnership, association or corporation.

111 (q) "Pole trailer" means every vehicle without motive
112 power designed to be drawn by another vehicle and attached to the
113 towing vehicle by means of a reach or pole, or by being boomed or
114 otherwise secured to the towing vehicle, and ordinarily used for
115 transporting long or irregularly shaped loads such as poles,
116 pipes, boats or structural members capable generally of sustaining
117 themselves as beams between the supporting connections.

118 (r) "Security agreement" means a written agreement
119 which reserves or creates a security interest.

120 (s) "Security interest" means an interest in a vehicle,
121 manufactured home or mobile home reserved or created by agreement
122 and which secures payment or performance of an obligation. The
123 term includes the interest of a lessor under a lease intended as
124 security. A security interest is "perfected" when it is valid

125 against third parties generally, subject only to specific
126 statutory exceptions.

127 (t) "Special mobile equipment" means every vehicle not
128 designed or used primarily for the transportation of persons or
129 property and only incidentally operated or moved over a highway,
130 including, but not limited to: ditch-digging apparatus,
131 well-boring apparatus and road construction and maintenance
132 machinery such as asphalt spreaders, bituminous mixers, bucket
133 loaders, tractors other than truck tractors, ditchers, leveling
134 graders, finishing machines, motor graders, road rollers,
135 scarifiers, earth-moving carryalls and scrapers, power shovels and
136 draglines, and self-propelled cranes, vehicles so constructed that
137 they exceed eight (8) feet in width and/or thirteen (13) feet six
138 (6) inches in height, and earth-moving equipment. The term does
139 not include house trailers, dump trucks, truck-mounted transit
140 mixers, cranes or shovels, or other vehicles designed for the
141 transportation of persons or property to which machinery has been
142 attached.

143 (u) "Nonresident" means every person who is not a
144 resident of this state.

145 (v) "Current address" means a new address different
146 from the address shown on the application or on the certificate of
147 title. The owner shall within thirty (30) days after his address
148 is changed from that shown on the application or on the
149 certificate of title notify the State Tax Commission of the change
150 of address in the manner prescribed by the State Tax Commission.

151 (w) "Odometer" means an instrument for measuring and
152 recording the actual distance a motor vehicle travels while in
153 operation; but shall not include any auxiliary instrument designed
154 to be reset by the operator of the motor vehicle for the purpose
155 of recording the distance traveled on trips.

156 (x) "Odometer reading" means the actual cumulative
157 distance traveled disclosed on the odometer.

158 (y) "Odometer disclosure statement" means a statement
159 certified by the owner of the motor vehicle to the transferee or
160 to the State Tax Commission as to the odometer reading.

161 (z) "Mileage" means actual distance that a vehicle has
162 traveled.

163 (aa) "Trailer" means every vehicle other than a "pole
164 trailer" as defined in this chapter without motive power designed
165 to be drawn by another vehicle and attached to the towing vehicle
166 for the purpose of hauling goods or products. The term "trailer"
167 shall not refer to any structure, transportable in one or more
168 sections regardless of size, when erected on site, and which is
169 built on a permanent chassis and designed to be used as a dwelling
170 with or without a permanent foundation when connected to the
171 required utilities, and includes the plumbing, heating,
172 air-conditioning and electrical systems contained therein
173 regardless of the date of manufacture.

174 (bb) "Salvage mobile home" or "salvage manufactured
175 home" means a mobile home or manufactured home for which a
176 certificate of title has been issued that an insurance company
177 obtains from the owner as a result of paying a total loss claim
178 resulting from collision, fire, flood, wind or other occurrence.
179 The term "salvage mobile home" or "salvage manufactured home" does
180 not mean or include and is not applicable to a mobile home or
181 manufactured home that is twenty (20) years old or older.

182 (cc) "Salvage certificate of title" means a document
183 issued by the State Tax Commission for a salvage mobile home or
184 salvage manufactured home as defined in this chapter.

185 (dd) "All-terrain vehicle" means a motor vehicle that
186 is designed for off-road use and is not required to have a motor
187 vehicle privilege license.

188 **SECTION 2.** Section 75-9-102, Mississippi Code of 1972, is
189 brought forward as follows:

190 75-9-102. (a) In this article:

191 (1) "Accession" means goods that are physically united
192 with other goods in such a manner that the identity of the
193 original goods is not lost.

194 (2) "Account," except as used in "account for," means a
195 right to payment of a monetary obligation, whether or not earned
196 by performance, (i) for property that has been or is to be sold,
197 leased, licensed, assigned, or otherwise disposed of, (ii) for
198 services rendered or to be rendered, (iii) for a policy of
199 insurance issued or to be issued, (iv) for a secondary obligation
200 incurred or to be incurred, (v) for energy provided or to be
201 provided, (vi) for the use or hire of a vessel under a charter or
202 other contract, (vii) arising out of the use of a credit or charge
203 card or information contained on or for use with the card, or
204 (viii) as winnings in a lottery or other game of chance operated
205 or sponsored by a state, governmental unit of a state, or person
206 licensed or authorized to operate the game by a state or
207 governmental unit of a state. The term includes
208 health-care-insurance receivables. The term does not include (i)
209 rights to payment evidenced by chattel paper or an instrument,
210 (ii) commercial tort claims, (iii) deposit accounts, (iv)
211 investment property, (v) letter-of-credit rights or letters of
212 credit, or (vi) rights to payment for money or funds advanced or
213 sold, other than rights arising out of the use of a credit or
214 charge card or information contained on or for use with the card.

215 (3) "Account debtor" means a person obligated on an
216 account, chattel paper, or general intangible. The term does not
217 include persons obligated to pay a negotiable instrument, even if
218 the instrument constitutes part of chattel paper.

219 (4) "Accounting," except as used in "accounting for,"
220 means a record:

221 (A) Authenticated by a secured party;

222 (B) Indicating the aggregate unpaid secured
223 obligations as of a date not more than thirty-five (35) days

224 earlier or thirty-five (35) days later than the date of the
225 record; and

226 (C) Identifying the components of the obligations
227 in reasonable detail.

228 (5) "Agricultural lien" means an interest in farm
229 products:

230 (A) Which secures payment or performance of an
231 obligation for:

232 (i) Goods or services furnished in connection
233 with a debtor's farming operation; or

234 (ii) Rent on real property leased by a debtor
235 in connection with its farming operation;

236 (B) Which is created by statute in favor of a
237 person that:

238 (i) In the ordinary course of its business
239 furnished goods or services to a debtor in connection with a
240 debtor's farming operation; or

241 (ii) Leased real property to a debtor in
242 connection with the debtor's farming operation; and

243 (C) Whose effectiveness does not depend on the
244 person's possession of the personal property.

245 (6) "As-extracted collateral" means:

246 (A) Oil, gas, or other minerals that are subject
247 to a security interest that:

248 (i) Is created by a debtor having an interest
249 in the minerals before extraction; and

250 (ii) Attaches to the minerals as extracted;
251 or

252 (B) Accounts arising out of the sale at the
253 wellhead or minehead of oil, gas, or other minerals in which the
254 debtor had an interest before extraction.

255 (7) "Authenticate" means:

256 (A) To sign; or

257 (B) To execute or otherwise adopt a symbol, or
258 encrypt or similarly process a record in whole or in part, with
259 the present intent of the authenticating person to identify the
260 person and adopt or accept a record.

261 (8) "Bank" means an organization that is engaged in the
262 business of banking. The term includes savings banks, savings and
263 loan associations, credit unions, and trust companies.

264 (9) "Cash proceeds" means proceeds that are money,
265 checks, deposit accounts, or the like.

266 (10) "Certificate of title" means a certificate of
267 title with respect to which a statute provides for the security
268 interest in question to be indicated on the certificate as a
269 condition or result of the security interest's obtaining priority
270 over the rights of a lien creditor with respect to the collateral.

271 (11) "Chattel paper" means a record or records that
272 evidence both a monetary obligation and a security interest in
273 specific goods, a security interest in specific goods and software
274 used in the goods, a security interest in specific goods and
275 license of software used in the goods, a lease of specific goods,
276 or a lease of specific goods and license of software used in the
277 goods. In this paragraph, "monetary obligation" means a monetary
278 obligation secured by the goods or owed under a lease of the goods
279 and includes a monetary obligation with respect to software used
280 in the goods. The term does not include (i) charters or other
281 contracts involving the use or hire of a vessel or (ii) records
282 that evidence a right to payment arising out of the use of a
283 credit or charge card or information contained on or for use with
284 the card. If a transaction is evidenced by records that include
285 an instrument or series of instruments, the group of records taken
286 together constitutes chattel paper.

287 (12) "Collateral" means the property subject to a
288 security interest or agricultural lien. The term includes:

289 (A) Proceeds to which a security interest
290 attaches;

291 (B) Accounts, chattel paper, payment intangibles,
292 and promissory notes that have been sold; and

293 (C) Goods that are the subject of a consignment.

294 (13) "Commercial tort claim" means a claim arising in
295 tort with respect to which:

296 (A) The claimant is an organization; or

297 (B) The claimant is an individual and the claim:

298 (i) Arose in the course of the claimant's
299 business or profession; and

300 (ii) Does not include damages arising out of
301 personal injury to or the death of an individual.

302 (14) "Commodity account" means an account maintained by
303 a commodity intermediary in which a commodity contract is carried
304 for a commodity customer.

305 (15) "Commodity contract" means a commodity futures
306 contract, an option on a commodity futures contract, a commodity
307 option, or another contract if the contract or option is:

308 (A) Traded on or subject to the rules of a board
309 of trade that has been designated as a contract market for such a
310 contract pursuant to federal commodities laws; or

311 (B) Traded on a foreign commodity board of trade,
312 exchange, or market, and is carried on the books of a commodity
313 intermediary for a commodity customer.

314 (16) "Commodity customer" means a person for which a
315 commodity intermediary carries a commodity contract on its books.

316 (17) "Commodity intermediary" means a person that:

317 (A) Is registered as a futures commission merchant
318 under federal commodities law; or

319 (B) In the ordinary course of its business
320 provides clearance or settlement services for a board of trade

321 that has been designated as a contract market pursuant to federal
322 commodities law.

323 (18) "Communicate" means:

324 (A) To send a written or other tangible record;

325 (B) To transmit a record by any means agreed upon
326 by the persons sending and receiving the record; or

327 (C) In the case of transmission of a record to or
328 by a filing office, to transmit a record by any means prescribed
329 by filing-office rule.

330 (19) "Consignee" means a merchant to which goods are
331 delivered in a consignment.

332 (20) "Consignment" means a transaction, regardless of
333 its form, in which a person delivers goods to a merchant for the
334 purpose of sale and:

335 (A) The merchant:

336 (i) Deals in goods of that kind under a name
337 other than the name of the person making delivery;

338 (ii) Is not an auctioneer; and

339 (iii) Is not generally known by its creditors
340 to be substantially engaged in selling the goods of others;

341 (B) With respect to each delivery, the aggregate
342 value of the goods is One Thousand Dollars (\$1,000.00) or more at
343 the time of delivery;

344 (C) The goods are not consumer goods immediately
345 before delivery; and

346 (D) The transaction does not create a security
347 interest that secures an obligation.

348 (21) "Consignor" means a person that delivers goods to
349 a consignee in a consignment.

350 (22) "Consumer debtor" means a debtor in a consumer
351 transaction.

352 (23) "Consumer goods" means goods that are used or
353 bought for use primarily for personal, family, or household
354 purposes.

355 (24) "Consumer-goods transaction" means a consumer
356 transaction in which:

357 (A) An individual incurs an obligation primarily
358 for personal, family, or household purposes; and

359 (B) A security interest in consumer goods secures
360 the obligation.

361 (25) "Consumer obligor" means an obligor who is an
362 individual and who incurred the obligation as part of a
363 transaction entered into primarily for personal, family, or
364 household purposes.

365 (26) "Consumer transaction" means a transaction in
366 which (i) an individual incurs an obligation primarily for
367 personal, family, or household purposes, (ii) a security interest
368 secures the obligation, and (iii) the collateral is held or
369 acquired primarily for personal, family, or household purposes.
370 The term includes consumer-goods transactions.

371 (27) "Continuation statement" means an amendment of a
372 financing statement which:

373 (A) Identifies, by its file number, the initial
374 financing statement to which it relates; and

375 (B) Indicates that it is a continuation statement
376 for, or that it is filed to continue the effectiveness of, the
377 identified financing statement.

378 (28) "Debtor" means:

379 (A) A person having an interest, other than a
380 security interest or other lien, in the collateral, whether or not
381 the person is an obligor;

382 (B) A seller of accounts, chattel paper, payment
383 intangibles, or promissory notes; or

384 (C) A consignee.

385 (29) "Deposit account" means a demand, time, savings,
386 passbook, or similar account maintained with a bank. The term
387 does not include investment property or accounts evidenced by an
388 instrument.

389 (30) "Document" means a document of title or a receipt
390 of the type described in Section 75-7-201(2).

391 (31) "Electronic chattel paper" means chattel paper
392 evidenced by a record or records consisting of information stored
393 in an electronic medium.

394 (32) "Encumbrance" means a right, other than an
395 ownership interest, in real property. The term includes mortgages
396 and other liens on real property.

397 (33) "Equipment" means goods other than inventory, farm
398 products, or consumer goods.

399 (34) "Farm products" means goods, other than standing
400 timber, with respect to which the debtor is engaged in a farming
401 operation and which are:

402 (A) Crops grown, growing, or to be grown,
403 including:

404 (i) Crops produced on trees, vines, and
405 bushes; and

406 (ii) Aquatic goods produced in aquacultural
407 operations;

408 (B) Livestock, born or unborn, including aquatic
409 goods produced in aquacultural operations;

410 (C) Supplies used or produced in a farming
411 operation; or

412 (D) Products of crops or livestock in their
413 unmanufactured states.

414 (35) "Farming operation" means raising, cultivating,
415 propagating, fattening, grazing, or any other farming, livestock
416 or aquacultural operation.

417 (36) "File number" means the number assigned to an
418 initial financing statement pursuant to Section 75-9-519(a).

419 (37) "Filing office" means an office designated in
420 Section 75-9-501 as the place to file a financing statement.

421 (38) "Filing-office rule" means a rule adopted pursuant
422 to Section 75-9-526.

423 (39) "Financing statement" means a record or records
424 composed of an initial financing statement and any filed record
425 relating to the initial financing statement.

426 (40) "Fixture filing" means the filing of a financing
427 statement covering goods that are or are to become fixtures and
428 satisfying Section 75-9-502(a) and (b). The term includes the
429 filing of a financing statement covering goods of a transmitting
430 utility which are or are to become fixtures.

431 (41) "Fixtures" means goods that have become so related
432 to particular real property that an interest in them arises under
433 real property law.

434 (42) "General intangible" means any personal property,
435 including things in action, other than accounts, chattel paper,
436 commercial tort claims, deposit accounts, documents, goods,
437 instruments, investment property, letter-of-credit rights, letters
438 of credit, money, and oil, gas, or other minerals before
439 extraction. The term includes payment intangibles and software.

440 (43) "Good faith" means honesty in fact and the
441 observance of reasonable commercial standards of fair dealing.

442 (44) "Goods" means all things that are movable when a
443 security interest attaches. The term includes (i) fixtures, (ii)
444 standing timber that is to be cut and removed under a conveyance
445 or contract for sale, (iii) the unborn young of animals, (iv)
446 crops grown, growing, or to be grown, even if the crops are
447 produced on trees, vines, or bushes, (v) farm-raised fish produced
448 in fresh water according to the usual and customary techniques of
449 commercial agriculture, (vi) manufactured homes and (vii) marine

450 vessels (herein defined as every type of watercraft used, or
451 capable of being used, as a means of transportation on water)
452 including both marine vessels under construction, including
453 engines and all items of equipment installed or to be installed
454 therein, whether such vessels are being constructed by the
455 shipbuilder for his own use or for sale (said vessels under
456 construction being classified as inventory within the meaning of
457 Section 75-9-102(48)), and marine vessels after completion of
458 construction so long as such vessels have not become "vessels of
459 the United States" within the meaning of the Ship Mortgage Act of
460 1920, 46 USCS, Section 911(4), as same is now written or may
461 hereafter be amended (said completed vessels being classified as
462 equipment within the meaning of Section 75-9-102(33)). The term
463 also includes a computer program embedded in goods and any
464 supporting information provided in connection with a transaction
465 relating to the program if (i) the program is associated with the
466 goods in such a manner that it customarily is considered part of
467 the goods, or (ii) by becoming the owner of the goods, a person
468 acquires a right to use the program in connection with the goods.
469 The term does not include a computer program embedded in goods
470 that consist solely of the medium in which the program is
471 embedded. The term also does not include accounts, chattel paper,
472 commercial tort claims, deposit accounts, documents, general
473 intangibles, instruments, investment property, letter-of-credit
474 rights, letters of credit, money, or oil, gas, or other minerals
475 before extraction.

476 (45) "Governmental unit" means a subdivision, agency,
477 department, county, parish, municipality or other unit of the
478 government of the United States, a state, or a foreign country.
479 The term includes an organization having a separate corporate
480 existence if the organization is eligible to issue debt on which
481 interest is exempt from income taxation under the laws of the
482 United States.

483 (46) "Health-care-insurance receivable" means an
484 interest in or claim under a policy of insurance which is a right
485 to payment of a monetary obligation for health-care goods or
486 services provided or to be provided.

487 (47) "Instrument" means a negotiable instrument or any
488 other writing that evidences a right to the payment of a monetary
489 obligation, is not itself a security agreement or lease, and is of
490 a type that in ordinary course of business is transferred by
491 delivery with any necessary endorsement or assignment. The term
492 does not include (i) investment property, (ii) letters of credit,
493 or (iii) writings that evidence a right to payment arising out of
494 the use of a credit or charge card or information contained on or
495 for use with the card.

496 (48) "Inventory" means goods, other than farm products,
497 which:

498 (A) Are leased by a person as lessor;

499 (B) Are held by a person for sale or lease or to
500 be furnished under a contract of service;

501 (C) Are furnished by a person under a contract of
502 service; or

503 (D) Consist of raw materials, work in process or
504 materials used or consumed in a business.

505 (49) "Investment property" means a security, whether
506 certificated or uncertificated, security entitlement, securities
507 account, commodity contract or commodity account.

508 (50) "Jurisdiction of organization," with respect to a
509 registered organization, means the jurisdiction under whose law
510 the organization is organized.

511 (51) "Letter-of-credit right" means a right to payment
512 or performance under a letter of credit, whether or not the
513 beneficiary has demanded or is at the time entitled to demand
514 payment or performance. The term does not include the right of a

515 beneficiary to demand payment or performance under a letter of
516 credit.

517 (52) "Lien creditor" means:

518 (A) A creditor that has acquired a lien on the
519 property involved by attachment, levy, or the like;

520 (B) An assignee for benefit of creditors from the
521 time of assignment;

522 (C) A trustee in bankruptcy from the date of the
523 filing of the petition; or

524 (D) A receiver in equity from the time of
525 appointment.

526 (53) "Manufactured home" means a structure,
527 transportable in one or more sections, which, in the traveling
528 mode, is eight (8) body feet or more in width or forty (40) body
529 feet or more in length, or, when erected on site, is three hundred
530 twenty (320) or more square feet, and which is built on a
531 permanent chassis and designed to be used as a dwelling with or
532 without a permanent foundation when connected to the required
533 utilities, and includes the plumbing, heating, air-conditioning,
534 and electrical systems contained therein. The term includes any
535 structure that meets all of the requirements of this paragraph
536 except the size requirements and with respect to which the
537 manufacturer voluntarily files a certification required by the
538 United States Secretary of Housing and Urban Development and
539 complies with the standards established under Title 42 of the
540 United States Code.

541 (54) "Manufactured-home transaction" means a secured
542 transaction:

543 (A) That creates a purchase-money security
544 interest in a manufactured home, other than a manufactured home
545 held as inventory; or

546 (B) In which a manufactured home, other than a
547 manufactured home held as inventory, is the primary collateral.

548 (55) "Mortgage" means a consensual interest in real
549 property, including fixtures, which secures payment or performance
550 of an obligation. "Mortgage" shall mean and include a deed of
551 trust.

552 (56) "New debtor" means a person that becomes bound as
553 debtor under Section 75-9-203(d) by a security agreement
554 previously entered into by another person.

555 (57) "New value" means (i) money, (ii) money's worth in
556 property, services, or new credit, or (iii) release by a
557 transferee of an interest in property previously transferred to
558 the transferee. The term does not include an obligation
559 substituted for another obligation.

560 (58) "Noncash proceeds" means proceeds other than cash
561 proceeds.

562 (59) "Obligor" means a person that, with respect to an
563 obligation secured by a security interest in or an agricultural
564 lien on the collateral, (i) owes payment or other performance of
565 the obligation, (ii) has provided property other than the
566 collateral to secure payment or other performance of the
567 obligation, or (iii) is otherwise accountable in whole or in part
568 for payment or other performance of the obligation. The term does
569 not include issuers or nominated persons under a letter of credit.

570 (60) "Original debtor," except as used in Section
571 75-9-310(c), means a person that, as debtor, entered into a
572 security agreement to which a new debtor has become bound under
573 Section 75-9-203(d).

574 (61) "Payment intangible" means a general intangible
575 under which the account debtor's principal obligation is a
576 monetary obligation.

577 (62) "Person related to," with respect to an
578 individual, means:

579 (A) The spouse of the individual;

580 (B) A brother, brother-in-law, sister, or
581 sister-in-law of the individual;
582 (C) An ancestor or lineal descendant of the
583 individual or the individual's spouse; or
584 (D) Any other relative, by blood or marriage, of
585 the individual or the individual's spouse who shares the same home
586 with the individual.

587 (63) "Person related to," with respect to an
588 organization, means:

589 (A) A person directly or indirectly controlling,
590 controlled by, or under common control with the organization;

591 (B) An officer or director of, or a person
592 performing similar functions with respect to, the organization;

593 (C) An officer or director of, or a person
594 performing similar functions with respect to, a person described
595 in subparagraph (A);

596 (D) The spouse of an individual described in
597 subparagraph (A), (B), or (C); or

598 (E) An individual who is related by blood or
599 marriage to an individual described in subparagraph (A), (B), (C),
600 or (D) and shares the same home with the individual.

601 (64) "Proceeds," except as used in Section 75-9-609(b),
602 means the following property:

603 (A) Whatever is acquired upon the sale, lease,
604 license, exchange or other disposition of collateral;

605 (B) Whatever is collected on, or distributed on
606 account of, collateral;

607 (C) Rights arising out of collateral;

608 (D) To the extent of the value of collateral,
609 claims arising out of the loss, nonconformity, or interference
610 with the use of, defects or infringement of rights in, or damage
611 to, the collateral; or

612 (E) To the extent of the value of collateral and
613 to the extent payable to the debtor or the secured party,
614 insurance payable by reason of the loss or nonconformity of,
615 defects or infringement of rights in, or damage to, the
616 collateral.

617 (64A) "Production-money crops" means crops that secure
618 a production-money obligation incurred with respect to the
619 production of those crops.

620 (64B) "Production-money obligation" means an obligation
621 of an obligor incurred for new value given to enable the debtor to
622 produce crops if the value is in fact used for the production of
623 the crops.

624 (64C) "Production of crops" includes tilling and
625 otherwise preparing land for growing, planting, cultivating,
626 fertilizing, irrigating, harvesting and gathering crops, and
627 protecting them from damage or disease.

628 (65) "Promissory note" means an instrument that
629 evidences a promise to pay a monetary obligation, does not
630 evidence an order to pay, and does not contain an acknowledgment
631 by a bank that the bank has received for deposit a sum of money or
632 funds.

633 (66) "Proposal" means a record authenticated by a
634 secured party which includes the terms on which the secured party
635 is willing to accept collateral in full or partial satisfaction of
636 the obligation it secures pursuant to Sections 75-9-620, 75-9-621,
637 and 75-9-622.

638 (67) "Public-finance transaction" means a secured
639 transaction in connection with which:

640 (A) Debt securities are issued;

641 (B) All or a portion of the securities issued have
642 an initial stated maturity of at least twenty (20) years; and

643 (C) The debtor, obligor, secured party, account
644 debtor or other person obligated on collateral, assignor or

645 assignee of a secured obligation, or assignor or assignee of a
646 security interest is a state or a governmental unit of a state.

647 (68) "Pursuant to commitment," with respect to an
648 advance made or other value given by a secured party, means
649 pursuant to the secured party's obligation, whether or not a
650 subsequent event of default or other event not within the secured
651 party's control has relieved or may relieve the secured party from
652 its obligation.

653 (69) "Record," except as used in "for record," "of
654 record," "record or legal title," and "record owner," means
655 information that is inscribed on a tangible medium or which is
656 stored in an electronic or other medium and is retrievable in
657 perceivable form.

658 (70) "Registered organization" means an organization
659 organized solely under the law of a single state or the United
660 States and as to which the state or the United States must
661 maintain a public record showing the organization to have been
662 organized.

663 (71) "Secondary obligor" means an obligor to the extent
664 that:

665 (A) The obligor's obligation is secondary; or

666 (B) The obligor has a right of recourse with
667 respect to an obligation secured by collateral against the debtor,
668 another obligor, or property of either.

669 (72) "Secured party" means:

670 (A) A person in whose favor a security interest is
671 created or provided for under a security agreement, whether or not
672 any obligation to be secured is outstanding;

673 (B) A person that holds an agricultural lien;

674 (C) A consignor;

675 (D) A person to which accounts, chattel paper,
676 payment intangibles, or promissory notes have been sold;

677 (E) A trustee, indenture trustee, agent,
678 collateral agent, or other representative in whose favor a
679 security interest or agricultural lien is created or provided for;
680 or

681 (F) A person that holds a security interest
682 arising under Section 75-2-401, 75-2-505, 75-2-711(3),
683 75-2A-508(5), 75-4-210, or 75-5-118.

684 (73) "Security agreement" means an agreement that
685 creates or provides for a security interest.

686 (74) "Send," in connection with a record or
687 notification, means:

688 (A) To deposit in the mail, deliver for
689 transmission, or transmit by any other usual means of
690 communication, with postage or cost of transmission provided for,
691 addressed to any address reasonable under the circumstances; or

692 (B) To cause the record or notification to be
693 received within the time that it would have been received if
694 properly sent under subparagraph (A).

695 (75) "Software" means a computer program and any
696 supporting information provided in connection with a transaction
697 relating to the program. The term does not include a computer
698 program that is included in the definition of goods.

699 (76) "State" means a state of the United States, the
700 District of Columbia, Puerto Rico, the United States Virgin
701 Islands, or any territory or insular possession subject to the
702 jurisdiction of the United States.

703 (77) "Supporting obligation" means a letter-of-credit
704 right or secondary obligation that supports the payment or
705 performance of an account, chattel paper, a document, a general
706 intangible, an instrument, or investment property.

707 (78) "Tangible chattel paper" means chattel paper
708 evidenced by a record or records consisting of information that is
709 inscribed on a tangible medium.

710 (79) "Termination statement" means an amendment of a
711 financing statement which:

712 (A) Identifies, by its file number, the initial
713 financing statement to which it relates; and

714 (B) Indicates either that it is a termination
715 statement or that the identified financing statement is no longer
716 effective.

717 (80) "Transmitting utility" means a person primarily
718 engaged in the business of:

719 (A) Operating a railroad, subway, street railway,
720 or trolley bus;

721 (B) Transmitting communications electrically,
722 electromagnetically, or by light;

723 (C) Transmitting goods by pipeline or sewer; or

724 (D) Transmitting or producing and transmitting
725 electricity, steam, gas, or water.

726 (b) The following definitions in other articles apply to
727 this article:

728 "Applicant" Section 75-5-102.

729 "Beneficiary" Section 75-5-102.

730 "Broker" Section 75-8-102.

731 "Certificated security" Section 75-8-102.

732 "Check" Section 75-3-104.

733 "Clearing corporation" Section 75-8-102.

734 "Contract for sale" Section 75-2-106.

735 "Customer" Section 75-4-104.

736 "Entitlement holder" Section 75-8-102.

737 "Financial asset" Section 75-8-102.

738 "Holder in due course" Section 75-3-302.

739 "Issuer" (with respect to
740 a letter of credit or
741 letter-of-credit right) Section 75-5-102.

742 "Issuer" (with respect to a

743	security)	Section 75-8-201.
744	"Lease"	Section 75-2A-103.
745	"Lease agreement"	Section 75-2A-103.
746	"Lease contract"	Section 75-2A-103.
747	"Leasehold interest"	Section 75-2A-103.
748	"Lessee"	Section 75-2A-103.
749	"Lessee in ordinary course	
750	of business"	Section 75-2A-103.
751	"Lessor"	Section 75-2A-103.
752	"Lessor's residual interest"	Section 75-2A-103.
753	"Letter of credit"	Section 75-5-102.
754	"Merchant"	Section 75-2-104.
755	"Negotiable instrument"	Section 75-3-104.
756	"Nominated person"	Section 75-5-102.
757	"Note"	Section 75-3-104.
758	"Proceeds of a letter of	
759	credit"	Section 75-5-114.
760	"Prove"	Section 75-3-103.
761	"Sale"	Section 75-2-106.
762	"Securities account"	Section 75-8-501.
763	"Securities intermediary"	Section 75-8-102.
764	"Security"	Section 75-8-102.
765	"Security certificate"	Section 75-8-102.
766	"Security entitlement"	Section 75-8-102.
767	"Uncertificated security"	Section 75-8-102.
768	(c) Article 1 contains general definitions and principles of	
769	construction and interpretation applicable throughout this	
770	article.	
771	SECTION 3. This act shall take effect and be in force from	
772	and after July 1, 2006.	