

Article - Commercial Law

§9–109.

- (a) Except as otherwise provided in subsections (c) and (d), this title 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 § 2–401, § 2–505, § 2–711(3), or § 2A–508(5) of this article, as provided in § 9–110; and
 - (6) A security interest arising under § 4–210 or § 5–118 of this article.
- (b) The application of this title 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 title does not apply.
- (c) This title does not apply to the extent that:
- (1) A statute, regulation, or treaty of the United States preempts this title;
 - (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 § 5–114 of this article.
- (d) This title does not apply to:
- (1) A landlord’s lien, other than an agricultural lien;
 - (2) A lien, other than an agricultural lien, given by statute or other rule of law for services or materials, but § 9–333 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 §§ 9-315 and 9-322 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) § 9-340 applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and

(B) § 9-404 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 §§ 9-203 and 9-308;

(B) Fixtures in § 9-334;

(C) Fixture filings in §§ 9-501, 9-502, 9-512, 9-516, and 9-519; and

(D) Security agreements covering personal and real property in § 9-604;

(12) An assignment of a claim arising in tort, other than a commercial tort claim, but §§ 9-315 and 9-322 apply with respect to proceeds and priorities in proceeds; or

(13) An assignment of a deposit account in a consumer transaction, but §§ 9-315 and 9-322 apply with respect to proceeds and priorities in proceeds.