

By: Deshotel

H.B. No. 1617

A BILL TO BE ENTITLED

AN ACT

relating to uniform law on secured transactions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 9.102, Business & Commerce Code, is amended by amending Subdivisions (7), (10), (50), and (71) and adding Subdivision (68-a) to read as follows:

(7) "Authenticate" means:

(A) to sign; or

(B) ~~[to execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part,]~~ with ~~[the]~~ present intent ~~[of the authenticating person]~~ to ~~[identify the person and]~~ adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

1 (50) "Jurisdiction of organization," with respect to a
2 registered organization, means the jurisdiction under whose law the
3 organization is formed or organized.

4 (68-a) "Public organic record" means a record that is
5 available to the public for inspection and that is:

6 (A) a record consisting of the record initially
7 filed with or issued by a state or the United States to form or
8 organize an organization and any record filed with or issued by the
9 state or the United States that amends or restates the initial
10 record;

11 (B) an organic record of a business trust
12 consisting of the record initially filed with a state and any record
13 filed with the state that amends or restates the initial record, if
14 a statute of the state governing business trusts requires that the
15 record be filed with the state; or

16 (C) a record consisting of legislation enacted by
17 the legislature of a state or the Congress of the United States that
18 forms or organizes an organization, any record amending the
19 legislation, and any record filed with or issued by the state or the
20 United States that amends or restates the name of the
21 organization.

22 (71) "Registered organization" means an organization
23 formed or organized solely under the law of a single state or the
24 United States by the filing of a public organic record with, the
25 issuance of a public organic record by, or the enactment of
26 legislation by ~~[and as to which]~~ the state or the United States
27 ~~[must maintain a public record showing the organization to have~~

1 ~~been organized]~~. The term includes a business trust that is formed
2 or organized under the law of a single state if a statute of the
3 state governing business trusts requires that the business trust's
4 organic record be filed with the state.

5 SECTION 2. Section 9.105, Business & Commerce Code, is
6 amended to read as follows:

7 Sec. 9.105. CONTROL OF ELECTRONIC CHATTEL PAPER. (a) A
8 secured party has control of electronic chattel paper if a system
9 employed for evidencing the transfer of interests in the chattel
10 paper reliably establishes the secured party as the person to which
11 the chattel paper was assigned.

12 (b) A system satisfies Subsection (a), and a secured party
13 has control of electronic chattel paper, if the record or records
14 comprising the chattel paper are created, stored, and assigned in
15 such a manner that:

16 (1) a single authoritative copy of the record or
17 records exists that is unique, identifiable, and, except as
18 otherwise provided in Subdivisions (4), (5), and (6), unalterable;

19 (2) the authoritative copy identifies the secured
20 party as the assignee of the record or records;

21 (3) the authoritative copy is communicated to and
22 maintained by the secured party or its designated custodian;

23 (4) copies or amendments [~~revisions~~] that add or
24 change an identified assignee of the authoritative copy can be made
25 only with the consent [~~participation~~] of the secured party;

26 (5) each copy of the authoritative copy and any copy of
27 a copy is readily identifiable as a copy that is not the

1 authoritative copy; and

2 (6) any amendment [~~revision~~] of the authoritative copy
3 is readily identifiable as [~~an~~] authorized or unauthorized
4 [~~revision~~].

5 SECTION 3. Section 9.307(f), Business & Commerce Code, is
6 amended to read as follows:

7 (f) Except as otherwise provided in Subsection (i), a
8 registered organization that is organized under the law of the
9 United States and a branch or agency of a bank that is not organized
10 under the law of the United States or a state are located:

11 (1) in the state that the law of the United States
12 designates, if the law designates a state of location;

13 (2) in the state that the registered organization,
14 branch, or agency designates, if the law of the United States
15 authorizes the registered organization, branch, or agency to
16 designate its state of location, including by designating its main
17 office, home office, or other comparable office; or

18 (3) in the District of Columbia, if neither
19 Subdivision (1) nor Subdivision (2) applies.

20 SECTION 4. Section 9.311(a), Business & Commerce Code, is
21 amended to read as follows:

22 (a) Except as otherwise provided in Subsection (d), the
23 filing of a financing statement is not necessary or effective to
24 perfect a security interest in property subject to:

25 (1) a statute, regulation, or treaty of the United
26 States whose requirements for a security interest's obtaining
27 priority over the rights of a lien creditor with respect to the

1 property preempt Section 9.310(a);

2 (2) the following statutes of this state: a
3 certificate of title statute of this state or rules adopted under
4 the statute to the extent the statute or rules provide for a
5 security interest to be indicated on the certificate of title as a
6 condition or result of perfection or such alternative to notation
7 as may be prescribed by those statutes or rules of this state
8 ~~[Chapter 501, Transportation Code, relating to the certificates~~
9 ~~of title for motor vehicles; Subchapter B-1, Chapter 31, Parks and~~
10 ~~Wildlife Code, relating to the certificates of title for vessels~~
11 ~~and outboard motors; Chapter 1201, Occupations Code, relating to~~
12 ~~the documents of title for manufactured homes]; or Chapter 261,~~
13 relating to utility security instruments; or

14 (3) a ~~[certificate of title]~~ statute of another
15 jurisdiction that provides for a security interest to be indicated
16 on a [the] certificate of title as a condition or result of the
17 security interest's obtaining priority over the rights of a lien
18 creditor with respect to the property.

19 SECTION 5. The heading to Section 9.316, Business &
20 Commerce Code, is amended to read as follows:

21 Sec. 9.316. EFFECT OF ~~[CONTINUING PERFECTION OF SECURITY~~
22 ~~INTEREST FOLLOWING]~~ CHANGE IN GOVERNING LAW.

23 SECTION 6. Section 9.316, Business & Commerce Code, is
24 amended by adding Subsections (h) and (i) to read as follows:

25 (h) The following rules apply to collateral to which a
26 security interest attaches within four months after the debtor
27 changes its location to another jurisdiction:

1 (1) A financing statement filed before the change of
2 the debtor's location pursuant to the law of the jurisdiction
3 designated in Section 9.301(1) or 9.305(c) is effective to perfect
4 a security interest in the collateral if the financing statement
5 would have been effective to perfect a security interest in the
6 collateral if the debtor had not changed its location.

7 (2) If a security interest that is perfected by a
8 financing statement that is effective under Subdivision (1) becomes
9 perfected under the law of the other jurisdiction before the
10 earlier of the time the financing statement would have become
11 ineffective under the law of the jurisdiction designated in Section
12 9.301(1) or 9.305(c) or the expiration of the four-month period, it
13 remains perfected thereafter. If the security interest does not
14 become perfected under the law of the other jurisdiction before the
15 earlier time or event, it becomes unperfected and is deemed never to
16 have been perfected as against a purchaser of the collateral for
17 value.

18 (i) If a financing statement naming an original debtor is
19 filed pursuant to the law of the jurisdiction designated in Section
20 9.301(1) or 9.305(c) and the new debtor is located in another
21 jurisdiction, the following rules apply:

22 (1) The financing statement is effective to perfect a
23 security interest in collateral in which the new debtor has or
24 acquires rights before or within four months after the new debtor
25 becomes bound under Section 9.203(d), if the financing statement
26 would have been effective to perfect a security interest in the
27 collateral if the collateral had been acquired by the original

1 debtor.

2 (2) A security interest that is perfected by the
3 financing statement and that becomes perfected under the law of the
4 other jurisdiction before the earlier of the expiration of the
5 four-month period or the time the financing statement would have
6 become ineffective under the law of the jurisdiction designated in
7 Section 9.301(1) or 9.305(c) remains perfected thereafter. A
8 security interest that is perfected by the financing statement but
9 that does not become perfected under the law of the other
10 jurisdiction before the earlier time or event becomes unperfected
11 and is deemed never to have been perfected as against a purchaser of
12 the collateral for value.

13 SECTION 7. Sections 9.317(b) and (d), Business & Commerce
14 Code, are amended to read as follows:

15 (b) Except as otherwise provided in Subsection (e), a buyer,
16 other than a secured party, of tangible chattel paper, tangible
17 documents, goods, instruments, or a certificated security
18 [~~certificate~~] takes free of a security interest or agricultural
19 lien if the buyer gives value and receives delivery of the
20 collateral without knowledge of the security interest or
21 agricultural lien and before it is perfected.

22 (d) A licensee of a general intangible or a buyer, other
23 than a secured party, of collateral [~~accounts, electronic chattel~~
24 ~~paper, electronic documents, general intangibles, or investment~~
25 ~~property~~] other than tangible chattel paper, tangible documents,
26 goods, instruments, or a certificated security takes free of a
27 security interest if the licensee or buyer gives value without

1 knowledge of the security interest and before it is perfected.

2 SECTION 8. Section 9.326, Business & Commerce Code, is
3 amended to read as follows:

4 Sec. 9.326. PRIORITY OF SECURITY INTERESTS CREATED BY NEW
5 DEBTOR. (a) Subject to Subsection (b), a security interest that is
6 created by a new debtor in collateral in which the new debtor has or
7 acquires rights and [that is] perfected by a filed financing
8 statement that would be ineffective to perfect the security
9 interest but for the application of Section 9.508 or of Sections
10 9.508 and 9.316(i)(1) [is effective solely under Section 9.508 in
11 collateral in which a new debtor has or acquires rights] is
12 subordinate to a security interest in the same collateral that is
13 perfected other than by such a filed financing statement [~~that is~~
14 ~~effective solely under Section 9.508~~].

15 (b) The other provisions of this subchapter determine the
16 priority among conflicting security interests in the same
17 collateral perfected by filed financing statements described in
18 Subsection (a) [that are effective solely under Section 9.508].
19 However, if the security agreements to which a new debtor became
20 bound as debtor were not entered into by the same original debtor,
21 the conflicting security interests rank according to priority in
22 time of the new debtor's having become bound.

23 SECTION 9. Section 9.406, Business & Commerce Code, is
24 amended by amending Subsections (e) and (f) and adding Subsection
25 (k) to read as follows:

26 (e) Subsection (d) does not apply to the sale of a payment
27 intangible or promissory note, other than a sale pursuant to a

1 disposition under Section 9.610 or an acceptance of collateral
2 under Section 9.620.

3 (f) Except as otherwise provided in Sections 2A.303 and
4 9.407, and subject to Subsections (h), ~~[and]~~ (i), and (k), a rule of
5 law, statute, or regulation that prohibits, restricts, or requires
6 the consent of a government, governmental body or official, or
7 account debtor to the assignment or transfer of, or creation of a
8 security interest in, an account or chattel paper is ineffective to
9 the extent that the rule of law, statute, or regulation:

10 (1) prohibits, restricts, or requires the consent of
11 the government, governmental body or official, or account debtor to
12 the assignment or transfer of, or the creation, attachment,
13 perfection, or enforcement of a security interest in, the account
14 or chattel paper; or

15 (2) provides that the assignment or transfer or the
16 creation, attachment, perfection, or enforcement of the security
17 interest may give rise to a default, breach, right of recoupment,
18 claim, defense, termination, right of termination, or remedy under
19 the account or chattel paper.

20 (k) An assignment under this section is subject to Section
21 466.410, Government Code.

22 SECTION 10. Section 9.408(b), Business & Commerce Code, is
23 amended to read as follows:

24 (b) Subsection (a) applies to a security interest in a
25 payment intangible or promissory note only if the security interest
26 arises out of a sale of the payment intangible or promissory note,
27 other than a sale pursuant to a disposition under Section 9.610 or

1 an acceptance of collateral under Section 9.620.

2 SECTION 11. Section 9.502(c), Business & Commerce Code, is
3 amended to read as follows:

4 (c) A record of a mortgage is effective, from the date of
5 recording, as a financing statement filed as a fixture filing or as
6 a financing statement covering as-extracted collateral or timber to
7 be cut only if:

8 (1) the record indicates the goods or accounts that it
9 covers;

10 (2) the goods are or are to become fixtures related to
11 the real property described in the record or the collateral is
12 related to the real property described in the record and is
13 as-extracted collateral or timber to be cut;

14 (3) the record satisfies the requirements for a
15 financing statement in this section, but:

16 (A) the record need not indicate ~~[other than an~~
17 ~~indication]~~ that it is to be filed in the real property records; and

18 (B) the record sufficiently provides the name of
19 a debtor who is an individual if it provides the individual name of
20 the debtor or the surname and first personal name of the debtor,
21 even if the debtor is an individual to whom Section 9.503(a)(4) or
22 (5) applies; and

23 (4) the record is duly recorded.

24 SECTION 12. Section 9.503, Business & Commerce Code, is
25 amended by amending Subsections (a) and (b) and adding Subsections
26 (f), (g), and (h) to read as follows:

27 (a) A financing statement sufficiently provides the name of

1 the debtor:

2 (1) except as otherwise provided in Subdivision (3),
3 if the debtor is a registered organization or the collateral is held
4 in a trust that is a registered organization, only if the financing
5 statement provides the name that is stated to be the registered
6 organization's name [~~of the debtor indicated~~] on the public organic
7 record most recently filed with or issued or enacted by [~~debtor's~~
8 ~~formation documents that are filed of public record in~~] the
9 registered organization's [~~debtor's~~] jurisdiction of organization
10 [~~to create the registered organization and~~] that purports to state,
11 amend, or restate the registered organization's [~~show the debtor to~~
12 ~~have been organized, including any amendments to those documents~~
13 ~~for the express purpose of amending the debtor's~~] name;

14 (2) subject to Subsection (f), if the collateral is
15 being administered by the personal representative of a decedent
16 [~~debtor is a decedent's estate~~], only if the financing statement
17 provides, as the name of the debtor, the name of the decedent and,
18 in a separate part of the financing statement, indicates that the
19 collateral is being administered by a personal representative
20 [~~debtor is an estate~~];

21 (3) if the collateral [~~debtor~~] is held in a trust that
22 is not a registered organization [~~or a trustee acting with respect~~
23 ~~to property held in trust~~], only if the financing statement:

24 (A) provides, as the name of the debtor:

25 (i) if the organic record of the trust
26 specifies a name [~~the name specified~~] for the trust, the name so [~~in~~
27 ~~its organic documents or, if no name is~~] specified; or

1 (ii) if the organic record of the trust does
2 not specify a name for the trust, [provides] the name of the settlor
3 or testator [and additional information sufficient to distinguish
4 the debtor from other trusts having one or more of the same
5 settlers]; and

6 (B) in a separate part of the financing
7 statement:

8 (i) if the name is provided in accordance
9 with Paragraph (A)(i), indicates [in the debtor's name or
10 otherwise,] that the collateral [debtor] is held in a trust; or

11 (ii) if the name is provided in accordance
12 with Paragraph (A)(ii), provides additional information sufficient
13 to distinguish the trust from other trusts having one or more of the
14 same settlors or the same testator and indicates that the
15 collateral is held in a trust, unless the additional information so
16 indicates [or is a trustee acting with respect to property held in
17 trust];

18 (4) subject to Subsection (g), if the debtor is an
19 individual to whom this state has issued a driver's license, or, if
20 none, an identification card, that has not expired, only if it[, if
21 the financing statement] provides the [individual's] name of the
22 individual that is indicated [shown] on the [individual's] driver's
23 license, or, if none, the identification card [certificate issued
24 by the individual's state of residence];

25 (5) if the debtor is an individual to whom Subdivision
26 (4) does not apply, if the debtor is an individual to whom a
27 governmental unit has issued a passport, or, if none, a consular

1 identification card, that has not expired, only if it provides the
2 name of the individual that is indicated on the passport, or, if
3 none, the consular identification card;

4 (6) if the debtor is an individual to whom Subdivision
5 (4) or (5) does not apply, only if it provides the individual name
6 of the debtor or the surname and first personal name of the debtor;
7 and

8 (7) [~~(5)~~] in other cases:

9 (A) if the debtor has a name, only if it [~~the~~
10 ~~financing statement~~] provides the [~~individual or~~] organizational
11 name of the debtor; and

12 (B) if the debtor does not have a name, only if it
13 [~~the financing statement~~] provides the names of the partners,
14 members, associates, or other persons comprising the debtor, in a
15 manner that each name provided would be sufficient if the person
16 named were the debtor.

17 (b) A financing statement that provides the name of the
18 debtor in accordance with Subsection (a) is not rendered
19 ineffective by the absence of:

20 (1) a trade name or other name of the debtor; or

21 (2) unless required under Subsection (a)(7)(B)
22 [~~(a)(4)(B)~~], names of partners, members, associates, or other
23 persons comprising the debtor.

24 (f) The name of the decedent indicated on the order
25 appointing the personal representative of the decedent issued by
26 the court having jurisdiction over the collateral is sufficient as
27 the "name of the decedent" under Subsection (a)(2).

1 (g) If this state has issued to an individual more than one
2 driver's license or, if none, more than one identification card, of
3 a kind described in Subsection (a)(4), the driver's license or
4 identification card, as applicable, that was issued most recently
5 is the one to which Subsection (a)(4) refers.

6 (h) The "name of the settlor or testator" means:

7 (1) if the settlor is a registered organization, the
8 name of the registered organization indicated on the public organic
9 record filed with or issued or enacted by the registered
10 organization's jurisdiction of organization; or

11 (2) in other cases, the name of the settlor or testator
12 indicated in the trust's organic record.

13 SECTION 13. Section 9.507(c), Business & Commerce Code, is
14 amended to read as follows:

15 (c) If the [~~a debtor so changes its~~] name that a filed
16 financing statement provides for a debtor becomes insufficient as
17 the name of the debtor under Section 9.503(a) so that the financing
18 statement becomes seriously misleading under Section 9.506:

19 (1) the financing statement is effective to perfect a
20 security interest in collateral acquired by the debtor before, or
21 within four months after, the filed financing statement becomes
22 seriously misleading [~~change~~]; and

23 (2) the financing statement is not effective to
24 perfect a security interest in collateral acquired by the debtor
25 more than four months after the filed financing statement becomes
26 seriously misleading [~~change~~], unless an amendment to the financing
27 statement that renders the financing statement not seriously

1 misleading is filed within four months after that event [~~the~~
2 ~~change~~].

3 SECTION 14. Section 9.515(f), Business & Commerce Code, is
4 amended to read as follows:

5 (f) If a debtor is a transmitting utility and a filed
6 initial financing statement so indicates, the financing statement
7 is effective until a termination statement is filed.

8 SECTION 15. Section 9.516(b), Business & Commerce Code, is
9 amended to read as follows:

10 (b) Filing does not occur with respect to a record that a
11 filing office refuses to accept because:

12 (1) the record is not communicated by a method or
13 medium of communication authorized by the filing office;

14 (2) an amount equal to or greater than the applicable
15 filing fee is not tendered;

16 (3) the filing office is unable to index the record
17 because:

18 (A) in the case of an initial financing
19 statement, the record does not provide a name for the debtor;

20 (B) in the case of an amendment or information
21 [~~correction~~] statement, the record:

22 (i) does not identify the initial financing
23 statement as required by Section 9.512 or 9.518, as applicable; or

24 (ii) identifies an initial financing
25 statement whose effectiveness has lapsed under Section 9.515;

26 (C) in the case of an initial financing statement
27 that provides the name of a debtor identified as an individual or an

1 amendment that provides a name of a debtor identified as an
2 individual that was not previously provided in the financing
3 statement to which the record relates, the record does not identify
4 the debtor's surname [~~last name~~]; or

5 (D) in the case of a record filed or recorded in
6 the filing office described in Section 9.501(a)(1), the record does
7 not provide the name of the debtor and a sufficient description of
8 the real property to which it relates;

9 (4) in the case of an initial financing statement or an
10 amendment that adds a secured party of record, the record does not
11 provide a name and mailing address for the secured party of record;

12 (5) in the case of an initial financing statement or an
13 amendment that provides a name of a debtor that was not previously
14 provided in the financing statement to which the amendment relates,
15 the record does not:

16 (A) provide a mailing address for the debtor;

17 (B) indicate whether the debtor is an individual
18 or an organization; or

19 (C) if the financing statement indicates that the
20 debtor is an organization, provide:

21 (i) a type of organization for the debtor;

22 (ii) a jurisdiction of organization for the
23 debtor; or

24 (iii) an organizational identification
25 number for the debtor or indicate that the debtor has none;

26 (6) in the case of an assignment reflected in an
27 initial financing statement under Section 9.514(a) or an amendment

1 filed under Section 9.514(b), the record does not provide a name and
2 mailing address for the assignee;

3 (7) in the case of a continuation statement, the
4 record is not filed within the six-month period prescribed by
5 Section 9.515(d); or

6 (8) the record is not on an industry standard form,
7 including a national standard form or a form approved by the
8 International Association of Commercial Administrators, adopted by
9 rule by the secretary of state.

10 SECTION 16. Section 9.518, Business & Commerce Code, is
11 amended to read as follows:

12 Sec. 9.518. CLAIM CONCERNING INACCURATE OR WRONGFULLY FILED
13 RECORD. (a) Any person named as a debtor or a secured party may
14 file an information [~~a correction~~] statement with respect to a
15 record if the person believes that the record is inaccurate or was
16 wrongfully filed.

17 (b) An information [~~A correction~~] statement must:

18 (1) identify the record to which it relates by the file
19 number assigned to the initial financing statement to which the
20 record relates;

21 (2) indicate that it is an information [~~a correction~~]
22 statement; and

23 (3) provide the basis for the person's belief that the
24 record is inaccurate and indicate the manner in which the person
25 believes the record should be amended to cure any inaccuracy or
26 provide the basis for the person's belief that the record was
27 wrongfully filed.

1 (c) The filing of an information [~~a correction~~] statement
2 does not affect the effectiveness of an initial financing statement
3 or other filed record.

4 (d) Filing of an information [~~a correction~~] statement is not
5 effective as an amendment to a filed financing statement and is not
6 sufficient to effect a change in the manner in which the filing
7 office has indexed a financing statement or information contained
8 in a financing statement.

9 SECTION 17. Section 9.607(b), Business & Commerce Code, is
10 amended to read as follows:

11 (b) If necessary to enable a secured party to exercise under
12 Subsection (a)(3) the right of a debtor to enforce a mortgage
13 nonjudicially, the secured party may record in the office in which a
14 record of the mortgage is recorded:

15 (1) a copy of the security agreement that creates or
16 provides for a security interest in the obligation secured by the
17 mortgage; and

18 (2) the secured party's sworn affidavit in recordable
19 form stating that:

20 (A) a default has occurred with respect to the
21 obligation secured by the mortgage; and

22 (B) the secured party is entitled to enforce the
23 mortgage nonjudicially.

24 SECTION 18. Chapter 9, Business & Commerce Code, is amended
25 by adding Subchapter H to read as follows:

26 SUBCHAPTER H. TRANSITION PROVISIONS FOR 2013 AMENDMENTS

27 Sec. 9.801. EFFECTIVE DATE OF AMENDMENTS. (a) In this

1 subchapter, "2013 amendments" means the amendments to this chapter
2 enacted by the Act of the 82nd Legislature, Regular Session, 2011,
3 that enacted this subchapter.

4 (b) The 2013 amendments take effect July 1, 2013.

5 Sec. 9.802. SAVING CLAUSE. (a) Except as otherwise
6 provided in this subchapter, the 2013 amendments apply to a
7 transaction or lien within its scope, even if the transaction or
8 lien was entered into or created before July 1, 2013.

9 (b) The 2013 amendments do not affect an action, case, or
10 proceeding commenced before July 1, 2013.

11 Sec. 9.803. SECURITY INTEREST PERFECTED BEFORE EFFECTIVE
12 DATE. (a) A security interest that is a perfected security interest
13 immediately before July 1, 2013, is a perfected security interest
14 under this chapter, as amended by the 2013 amendments, if, when the
15 2013 amendments take effect, the applicable requirements for
16 attachment and perfection under this chapter, as amended by the
17 2013 amendments, are satisfied without further action.

18 (b) Except as otherwise provided in Section 9.805, if,
19 immediately before July 1, 2013, a security interest is a perfected
20 security interest, but the applicable requirements for perfection
21 under this chapter, as amended by the 2013 amendments, are not
22 satisfied when the 2013 amendments take effect, the security
23 interest remains perfected thereafter only if the applicable
24 requirements for perfection under this chapter, as amended by the
25 2013 amendments, are satisfied within one year after the 2013
26 amendments take effect.

27 Sec. 9.804. SECURITY INTEREST UNPERFECTED BEFORE EFFECTIVE

1 DATE. A security interest that is an unperfected security interest
2 immediately before July 1, 2013, becomes a perfected security
3 interest:

4 (1) without further action, when the 2013 amendments
5 take effect if the applicable requirements for perfection under
6 this chapter, as amended by the 2013 amendments, are satisfied
7 before or at that time; or

8 (2) when the applicable requirements for perfection
9 are satisfied if the requirements are satisfied after that time.

10 Sec. 9.805. EFFECTIVENESS OF ACTION TAKEN BEFORE EFFECTIVE
11 DATE. (a) The filing of a financing statement before the 2013
12 amendments take effect is effective to perfect a security interest
13 to the extent the filing would satisfy the applicable requirements
14 for perfection under this chapter, as amended by the 2013
15 amendments.

16 (b) The 2013 amendments do not render ineffective an
17 effective financing statement that, before July 1, 2013, is filed
18 and satisfies the applicable requirements for perfection under the
19 law of the jurisdiction governing perfection as provided in this
20 chapter as it existed before amendment. However, except as
21 otherwise provided in Subsections (c) and (d) and Section 9.806,
22 the financing statement ceases to be effective:

23 (1) if the financing statement is filed in this state,
24 at the time the financing statement would have ceased to be
25 effective had the 2013 amendments not taken effect; or

26 (2) if the financing statement is filed in another
27 jurisdiction, at the earlier of:

1 (A) the time the financing statement would have
2 ceased to be effective under the law of that jurisdiction; or

3 (B) June 30, 2018.

4 (c) The filing of a continuation statement after the 2013
5 amendments take effect does not continue the effectiveness of the
6 financing statement filed before July 1, 2013. However, on the
7 timely filing of a continuation statement after the 2013 amendments
8 take effect and in accordance with the law of the jurisdiction
9 governing perfection as provided in this chapter, as amended by the
10 2013 amendments, the effectiveness of a financing statement filed
11 in the same office in that jurisdiction before the 2013 amendments
12 take effect continues for the period provided by the law of that
13 jurisdiction.

14 (d) Subsection (b)(2)(B) applies to a financing statement
15 that, before July 1, 2013, is filed against a transmitting utility
16 and satisfies the applicable requirements for perfection under the
17 law of the jurisdiction governing perfection as provided in this
18 chapter as it existed before amendment, only to the extent that this
19 chapter, as amended by the 2013 amendments, provides that the law of
20 a jurisdiction other than the jurisdiction in which the financing
21 statement is filed governs perfection of a security interest in
22 collateral covered by the financing statement.

23 (e) A financing statement that includes a financing
24 statement filed before the 2013 amendments take effect and a
25 continuation statement filed after the 2013 amendments take effect
26 is effective only to the extent that it satisfies the requirements
27 of Subchapter E, as amended by the 2013 amendments, for an initial

1 financing statement. A financing statement that indicates that the
2 debtor is a decedent's estate indicates that the collateral is
3 being administered by a personal representative within the meaning
4 of Section 9.503(a)(2), as amended by the 2013 amendments. A
5 financing statement that indicates that the debtor is a trust or is
6 a trustee acting with respect to property held in trust indicates
7 that the collateral is held in a trust within the meaning of Section
8 9.503(a)(3), as amended by the 2013 amendments.

9 Sec. 9.806. WHEN INITIAL FINANCING STATEMENT SUFFICES TO
10 CONTINUE EFFECTIVENESS OF FINANCING STATEMENT. (a) The filing of
11 an initial financing statement in the office specified in Section
12 9.501 continues the effectiveness of a financing statement filed
13 before July 1, 2013, if:

14 (1) the filing of an initial financing statement in
15 that office would be effective to perfect a security interest under
16 this chapter, as amended by the 2013 amendments;

17 (2) the pre-effective-date financing statement was
18 filed in an office in another state; and

19 (3) the initial financing statement satisfies
20 Subsection (c).

21 (b) The filing of an initial financing statement under
22 Subsection (a) continues the effectiveness of the
23 pre-effective-date financing statement:

24 (1) if the initial financing statement is filed before
25 July 1, 2013, for the period provided in unamended Section 9.515
26 with respect to an initial financing statement; and

27 (2) if the initial financing statement is filed after

1 the 2013 amendments take effect, for the period provided in Section
2 9.515, as amended by the 2013 amendments, with respect to an initial
3 financing statement.

4 (c) To be effective for purposes of Subsection (a), an
5 initial financing statement must:

6 (1) satisfy the requirements of Subchapter E, as
7 amended by the 2013 amendments, for an initial financing statement;

8 (2) identify the pre-effective-date financing
9 statement by indicating the office in which the financing statement
10 was filed and providing the dates of filing and file numbers, if
11 any, of the financing statement and of the most recent continuation
12 statement filed with respect to the financing statement; and

13 (3) indicate that the pre-effective-date financing
14 statement remains effective.

15 Sec. 9.807. AMENDMENT OF PRE-EFFECTIVE-DATE FINANCING
16 STATEMENT. (a) In this section, "pre-effective-date financing
17 statement" means a financing statement filed before July 1, 2013.

18 (b) After the 2013 amendments take effect, a person may add
19 or delete collateral covered by, continue or terminate the
20 effectiveness of, or otherwise amend the information provided in, a
21 pre-effective-date financing statement only in accordance with the
22 law of the jurisdiction governing perfection as provided in this
23 chapter, as amended by the 2013 amendments. However, the
24 effectiveness of a pre-effective-date financing statement also may
25 be terminated in accordance with the law of the jurisdiction in
26 which the financing statement is filed.

27 (c) Except as otherwise provided in Subsection (d), if the

1 law of this state governs perfection of a security interest, the
2 information in a pre-effective-date financing statement may be
3 amended after the 2013 amendments take effect only if:

4 (1) the pre-effective-date financing statement and an
5 amendment are filed in the office specified in Section 9.501;

6 (2) an amendment is filed in the office specified in
7 Section 9.501 concurrently with, or after the filing in that office
8 of, an initial financing statement that satisfies Section 9.806(c);
9 or

10 (3) an initial financing statement that provides the
11 information as amended and satisfies Section 9.806(c) is filed in
12 the office specified in Section 9.501.

13 (d) If the law of this state governs perfection of a
14 security interest, the effectiveness of a pre-effective-date
15 financing statement may be continued only under Sections 9.805(c)
16 and (e) or Section 9.806.

17 (e) Whether or not the law of this state governs perfection
18 of a security interest, the effectiveness of a pre-effective-date
19 financing statement filed in this state may be terminated after the
20 2013 amendments take effect by filing a termination statement in
21 the office in which the pre-effective-date financing statement is
22 filed, unless an initial financing statement that satisfies Section
23 9.806(c) has been filed in the office specified by the law of the
24 jurisdiction governing perfection as provided in this chapter, as
25 amended by the 2013 amendments, as the office in which to file a
26 financing statement.

27 Sec. 9.808. PERSON ENTITLED TO FILE INITIAL FINANCING

1 STATEMENT OR CONTINUATION STATEMENT. A person may file an initial
2 financing statement or a continuation statement under this
3 subchapter if:

4 (1) the secured party of record authorizes the filing;
5 and

6 (2) the filing is necessary under this subchapter:

7 (A) to continue the effectiveness of a financing
8 statement filed before July 1, 2013; or

9 (B) to perfect or continue the perfection of a
10 security interest.

11 Sec. 9.809. PRIORITY. The 2013 amendments determine the
12 priority of conflicting claims to collateral. However, if the
13 relative priorities of the claims were established before July 1,
14 2013, this chapter as it existed before amendment determines
15 priority.

16 SECTION 19. Chapter 11, Business & Commerce Code, is
17 repealed.

18 SECTION 20. This Act takes effect July 1, 2013.