

Amend **HB 3794** (house committee printing) as follows:

(1) On page 1, strike lines 4-15 and substitute the following:

SECTION 1. Section 9.109(d), Business & Commerce Code, is amended to read as follows:

(d) This chapter 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 Section 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 that 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 Sections 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) Section 9.340 applies with respect to the effectiveness of rights of recoupment or set-off against deposit

accounts; and

(B) Section 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, as defined by Section 64.001, Property Code, the interest of a vendor or vendee in a contract for deed to purchase an interest in real property, or the interest of an optionor or optionee in an option to purchase an interest in real property, except to the extent that provision is made for:

(A) liens on real property in Sections 9.203 and 9.308;

(B) fixtures in Section 9.334;

(C) fixture filings in Sections 9.501, 9.502, 9.512, 9.516, and 9.519; and

(D) security agreements covering personal and real property in Section 9.604;

(12) an assignment of a claim arising in tort, other than a commercial tort claim, but Sections 9.315 and 9.322 apply with respect to proceeds and priorities in proceeds; ~~or~~

(13) an assignment of a deposit account, other than a nonnegotiable certificate of deposit, in a consumer transaction, but Sections 9.315 and 9.322 apply with respect to proceeds and priorities in proceeds; or

(14) an oil and gas lien arising under Chapter 67, Property Code.

(2) On page 4, line 16, between "person" and "owning", insert ", including a transferee interest owner,".

(3) On page 4, line 18, strike "The term includes a transferee interest owner.".

(4) On page 8, line 9, between "gas" and the underlined period, insert the following:

production, but the lien does not continue to attach to the production after the production is sold by the first purchaser, unless the first subsequent purchaser:

(1) is an affiliate of the first purchaser; or

(2) has actual knowledge, not constructive notice or

inquiry notice, that the first purchaser has not paid the interest owner or representative first entitled to receive the sales price

(5) On page 15, line 11, strike "Section" and substitute "Sections 9.203(j) and".

(6) On page 15, line 11, strike "is" and substitute "are".