

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 321

(By Mr. Butter)

PASSED March 6, 1969

In Effect Ninety days from Passage

FILED IN THE OFFICE
JOHN D. FOMPELLER, IV
SECRETARY OF STATE
THIS DATE 3-12-69

321

ENROLLED
Senate Bill No. 321

(By MR. BROTHERTON)

[Passed March 6, 1969; in effect ninety days from passage.]

AN ACT to amend and reenact section three hundred two, article nine, chapter forty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to secured transactions.

Be it enacted by the Legislature of West Virginia:

That section three hundred two, article nine, chapter forty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 9. SECURED TRANSACTIONS; SALES OF ACCOUNTS,
CONTRACT RIGHTS AND CHATTEL PAPER.**

**§46-9-302. When filing is required to perfect security interest;
security interests to which filing provisions of
this article do not apply.**

1 (1) A financing statement must be filed to perfect all
2 security interests except the following:

3 (a) A security interest in collateral in possession of
4 the secured party under section 9-305 [§46-9-305];

5 (b) A security interest temporarily perfected in instru-
6 ments or documents without delivery under section 9-304
7 [§46-9-304] or in proceeds for a ten-day period under
8 section 9-306 [§46-9-306];

9 (c) A purchase money security interest in farm equip-
10 ment having a purchase price not in excess of \$2500; but
11 filing is required for a fixture under section 9-313 [§46-9-
12 313] or for a motor vehicle required to be licensed;

13 (d) A purchase money security interest in consumer
14 goods; but filing is required for a fixture under section
15 9-313 [§46-9-313] or for a motor vehicle required to be
16 licensed;

17 (e) An assignment of accounts or contract rights
18 which does not alone or in conjunction with other as-

19 signments to the same assignee transfer a significant part
20 of the outstanding accounts or contract rights of the
21 assignor;

22 (f) A security interest of a collecting bank (section
23 4-208) [§46-4-208] or arising under the article on sales
24 (see section 9-113) [§46-9-113] or covered in subsection
25 (3) of this section.

26 (2) If a secured party assigns a perfected security
27 interest, no filing under this article is required in order
28 to continue the perfected status of the security interest
29 against creditors of and transferees from the original
30 debtor.

31 (3) The filing provisions of this article do not apply to
32 a security interest in property subject to a statute

33 (a) of the United States which provides for a national
34 registration or filing of all security interests in such
35 property; or

36 (b) of this state which provides for central filing of,
37 or which requires indication on a certificate of title of,
38 such security interests in such property.

39 (4) A security interest in property covered by a statute
40 described in subsection (3) can be perfected only by
41 registration or filing under that statute or by indication
42 of the security interest on a certificate of title or a dupli-
43 cate thereof by a public official.

44 (5) Part four of this article shall not apply to a se-
45 curity interest in property of any description created
46 by a deed of trust, mortgage or indenture or any sup-
47 plemental deed of trust, mortgage or indenture made
48 by any corporation primarily engaged in the railroad
49 or street railway business, the furnishing of telephone
50 or telegraph service, the transmission of oil, gas or
51 petroleum products by pipeline, or the production, trans-
52 mission or distribution of electricity, steam, gas or water,
53 but such security interest may be perfected in all types
54 of property and interests in property covered by this
55 article by filing such deed of trust, mortgage or inden-
56 ture or supplemental deed of trust, mortgage or inden-
57 ture in the office of the secretary of state. When so filed,
58 such instrument shall remain effective until terminated,
59 without the need for filing a continuation statement,

60 and if a copy of such a deed of trust, mortgage or in-
61 denture or supplemental deed of trust, mortgage or
62 indenture with respect to which financing statements
63 have heretofore been filed in any filing office in this
64 state shall be filed in the office of the secretary of state
65 as provided herein such instrument shall also thereafter
66 remain effective until terminated, without the need for
67 filing a continuation statement. Assignments and re-
68 leases of such instruments may also be filed in the office
69 of the secretary of state. The secretary of state shall
70 be a filing officer for the foregoing purposes.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompkins
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Frank G. Jackson
President of the Senate

Ivor F. Biassby
Speaker House of Delegates

The within *approved* this the *17th*
day of *March*, 1969.

Arch A. Shreve Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/12/69

Time 2:45 p.m.