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

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

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

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

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

(e) An assignment of accounts or contract rights which does not alone or in conjunction with other as-
signments to the same assignee transfer a significant part
of the outstanding accounts or contract rights of the
assignor;

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

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

(3) The filing provisions of this article do not apply to
a security interest in property subject to a statute
(a) of the United States which provides for a national
registration or filing of all security interests in such
property; or

(b) of this state which provides for central filing of,
or which requires indication on a certificate of title of,
such security interests in such property.
(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.

(5) Part four of this article shall not apply to a security interest in property of any description created by a deed of trust, mortgage or indenture or any supplemental deed of trust, mortgage or indenture made by any corporation primarily engaged in the railroad or street railway business, the furnishing of telephone or telegraph service, the transmission of oil, gas or petroleum products by pipeline, or the production, transmission or distribution of electricity, steam, gas or water, but such security interest may be perfected in all types of property and interests in property covered by this article by filing such deed of trust, mortgage or indenture or supplemental deed of trust, mortgage or indenture in the office of the secretary of state. When so filed, such instrument shall remain effective until terminated, without the need for filing a continuation statement,
and if a copy of such a deed of trust, mortgage or indenture or supplemental deed of trust, mortgage or indenture with respect to which financing statements have heretofore been filed in any filing office in this state shall be filed in the office of the secretary of state as provided herein such instrument shall also thereafter remain effective until terminated, without the need for filing a continuation statement. Assignments and releases of such instruments may also be filed in the office of the secretary of state. The secretary of state shall be a filing officer for the foregoing purposes.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

SIGNED:

Margaret C. Townes
Chairman Senate Committee

Clayton E. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

SIGNED:

Howard Ray
Clerk of the Senate

O.A. Blankenship
Clerk of the House of Delegates

SIGNED:

Lloyd L. Jackson
President of the Senate

SIGNED:

Ivan F. Brender
Speaker House of Delegates

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

SIGNED:

ARCHA STATE
Governor
PRESENTED TO THE GOVERNOR

Date  3/12/69  
Time  2:45 p.m.