



# HOUSE BILL No. 5323

October 25, 1995, Introduced by Rep. Alley and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 2A104 and 9302 of Act No. 174 of the Public Acts of 1962, entitled as amended "Uniform commercial code," section 2A104 as added by Act No. 101 of the Public Acts of 1992 and section 9302 as amended by Act No. 16 of the Public Acts of 1987, being sections 440.2804 and 440.9302 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Sections 2A104 and 9302 of Act No. 174 of the  
2 Public Acts of 1962, section 2A104 as added by Act No. 101 of the  
3 Public Acts of 1992 and section 9302 as amended by Act No. 16 of  
4 the Public Acts of 1987, being sections 440.2804 and 440.9302 of  
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 2A104. (1) A lease, although subject to this article,  
7 is also subject to all of the following:

1 (a) A certificate of title statute of this state, including,  
2 but not limited to, ~~Act No. 160 of the Public Acts of 1976,~~  
3 ~~being sections 281.1201 to 281.1223~~ PART 803 (WATERCRAFT TRANS-  
4 FER AND CERTIFICATE OF TITLE) OF THE NATURAL RESOURCES AND ENVI-  
5 RONMENTAL PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994,  
6 BEING SECTIONS 324.80301 TO 324.80322 of the Michigan Compiled  
7 Laws; the mobile home commission act, Act No. 96 of the Public  
8 Acts of 1987, being sections 125.2301 to 125.2349 of the Michigan  
9 Compiled Laws; and chapter II of the Michigan vehicle code, Act  
10 No. 300 of the Public Acts of 1949, being sections 257.201 to  
11 257.259 of the Michigan Compiled Laws.

12 (b) A certificate of title statute of another jurisdiction  
13 (section 2A105).

14 (c) The Michigan consumer protection act, Act No. 331 of the  
15 Public Acts of 1976, being sections 445.901 to 445.922 of the  
16 Michigan Compiled Laws.

17 (2) Except for sections 2A105, 2A304(3), and 2A305(3), in  
18 case of conflict between this article and a statute referred to  
19 in subsection (1), the statute controls.

20 (3) Failure to comply with any applicable statute has only  
21 the effect specified in the statute.

22 Sec. 9302. (1) A financing statement must be filed to per-  
23 fect all security interests except the following:

24 (a) A security interest in collateral in possession of the  
25 secured party under section 9305;

1 (b) A security interest temporarily perfected in instruments  
2 or documents without delivery under section 9304 or in proceeds  
3 for a 10-day period under section 9306;

4 (c) A security interest created by an assignment of a bene-  
5 ficial interest in a trust or a decedent's estate;

6 (d) A purchase money security interest in consumer goods;  
7 other than a vehicle, mobile home, or watercraft, for which a  
8 certificate of title is required by the laws of this state, and  
9 fixture filing is required for priority over conflicting inter-  
10 ests in fixtures to the extent provided in section 9313;

11 (e) An assignment of accounts which does not alone or in  
12 conjunction with other assignments to the same assignee transfer  
13 a significant part of the outstanding accounts of the assignor;

14 (f) A security interest of a collecting bank (section 4208)  
15 or in securities (section 8321) or arising under the article on  
16 sales (see section 9113) or covered in subsection (3) of this  
17 section;

18 (g) An assignment for the benefit of all the creditors of  
19 the transferor, and subsequent transfers by the assignee  
20 thereunder.

21 (2) If a secured party assigns a perfected security inter-  
22 est, no filing under this article is required in order to con-  
23 tinue the perfected status of the security interest against cred-  
24 itors of and transferees from the original debtor.

25 (3) The filing of a financing statement otherwise required  
26 by this article is not necessary or effective to perfect a  
27 security interest in property subject to:

1 (a) A statute or treaty of the United States which provides  
2 for a national or international registration or a national or  
3 international certificate of title or which specifies a place of  
4 filing different from that specified in this article for filing  
5 of the security interest; or

6 (b) The following statutes of this state: (i) section 216  
7 of THE MICHIGAN VEHICLE CODE, Act No. 300 of the Public Acts of  
8 1949, ~~as amended,~~ being section 257.216 of the Michigan  
9 Compiled Laws; (ii) section ~~20 of Act No. 160 of the Public Acts~~  
10 ~~of 1976, being section 281.1220~~ 80320 OF PART 803 (WATERCRAFT  
11 TRANSFER AND CERTIFICATE OF TITLE) OF THE NATURAL RESOURCES AND  
12 ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF  
13 1994, BEING SECTION 324.80320 of the Michigan Compiled Laws; and  
14 (iii) section 30 of ~~Act No. 419 of the Public Acts of 1976,~~  
15 ~~being section 125.1130~~ THE MOBILE HOME COMMISSION ACT, ACT  
16 NO. 96 OF THE PUBLIC ACTS OF 1987, BEING SECTION 125.2330 of the  
17 Michigan Compiled Laws; but during any period in which collateral  
18 is inventory held for sale by a person who is in the business of  
19 selling goods of that kind, the filing provisions of this article  
20 (part 4) apply to a security interest in that collateral created  
21 by that person as debtor; or

22 (c) A certificate of title statute of another jurisdiction  
23 under the law of which indication of a security interest on the  
24 certificate is required as a condition of perfection as provided  
25 in section 9103(2).

26 (4) Compliance with a statute or treaty described in  
27 subsection (3)(a) or (3)(c), or in the case of subsection

1 (3)(b)(i), compliance with section 217 or 238 of Act No. 300 of  
2 the Public Acts of 1949, ~~as amended,~~ being sections 257.217 and  
3 257.238 of the Michigan Compiled Laws, or in the case of subsec-  
4 tion (3)(b)(ii), compliance with section ~~20 of Act No. 160 of~~  
5 ~~the Public Acts of 1976~~ 80320 OF PART 803 OF ACT NO. 451 OF THE  
6 PUBLIC ACTS OF 1994, or in the case of subsection (3)(b)(iii),  
7 compliance with section 30a or 30d of ~~Act No. 419 of the Public~~  
8 ~~Acts of 1976, being sections 125.1130a and 125.1130d~~ ACT NO. 96  
9 OF THE PUBLIC ACTS OF 1987, BEING SECTIONS 125.2330A AND  
10 125.2330D of the Michigan Compiled Laws, is equivalent to the  
11 filing of a financing statement under this article, and a secur-  
12 ity interest in property subject to the statute or treaty can be  
13 perfected only by compliance therewith except as provided in sec-  
14 tion 9103 on multiple state transactions. Duration and renewal  
15 of perfection of a security interest perfected by compliance with  
16 the statute or treaty are governed by the provisions of the stat-  
17 ute or treaty. In other respects the security interest is  
18 subject to this article.