

from '99-1446/P11

I INCLUDED THESE DEFINITIONS FROM 99-1444/P1, WHICH IS THE REVISED UCC ARTICLE 5-LETTERS OF CREDIT, IN REVISED UCC ARTICLE 9. REVISED ARTICLE 9 (IN S. 409.102 (2)) CROSS REFERENCES THESE DEFINITIONS , BUT WISCONSIN HAS YET TO ENACT REVISED ARTICLE V (CH. 405, WIS STATS.). IF REVISED ARTICLE 5 IS ENACTED AFTER REVISED ARTICLE 9, IT NEEDS TO REPEAL THESE AND INSTEAD REINSERT THEM IN S. 409.102 (2) OF REVISED ARTICLE 9. IF REVISED ARTICLE 9 IS ENACTED SECOND, IT NEEDS TO BE AMENDED TO DO THE SAME. I ALSO CHANGED SEVERAL CROSS REFERENCES TO SECTIONS IN CH. 405 OVER TO REFERENCES TO THE CHAPTER. THESE CHANGES ALSO NEED TO BE REVERSED IN REVISED CH. 405 IF IT IS ENACTED SECOND.

SECTION 1. 409.102 (1) (bcm), (btm), mcm), (mkm), (odm) and (ptm) of the statutes, as created by 1999 Wisconsin Act (99-1446/P11), are repealed.

409.102 Definitions and index of definitions. (1) CHAPTER 409 DEFINITIONS.

In this chapter:

(2) DEFINITIONS IN OTHER CHAPTERS. The following definitions in other chapters apply to this chapter:

SECTION 2. 409.102 (1) (a), (am), (fm), (km), (m) and (n) of the statutes are created to read:

409.102 (1) (a) "Applicant" s. 405.102.

(am) "Beneficiary" s. 405.102.

(fm) “Issuer” (with respect to a letter of credit or letter-of-credit right)

s. 405.102.

(km) “Letter of credit” s. 405.102.

(m) “Nominated person” s. 405.102.

(n) “Proceeds of a letter of credit” s. 405.114.

SECTION 3. 409.107 of the statutes, as created by 1999 Wisconsin Act (99-1446/P11), is amended to read:

409.107 Control of letter-of-credit right. A secured party has control of a letter-of-credit right to the extent of any right to payment or performance by the issuer or any nominated person if the issuer or nominated person has consented to an assignment of proceeds of the letter of credit under ~~ch. 405 s. 405.114 (3)~~ or otherwise applicable law or practice.

SECTION 4. 409.109 (3) (d) of the statutes, as created by 1999 Wisconsin Act (99-1446/P11), is amended to read:

409.109 Scope.

(3) EXTENT TO WHICH CHAPTER DOES NOT APPLY. This chapter does not apply to the extent that:

(d) The rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under ~~ch. 405 s. 405.114~~.

SECTION 5. 409.306 of the statutes, as created by 1999 Wisconsin Act (99-1446/P11), is amended to read:

409.306 Law governing perfection and priority of security interests in letter-of-credit rights.

(2) ISSUER'S OR NOMINATED PERSON'S JURISDICTION. For purposes of this subchapter, an issuer's jurisdiction or nominated person's jurisdiction is the

jurisdiction whose law governs the liability of the issuer or nominated person with respect to the letter-of-credit right as provided in ~~ch. 405~~ s. 405.116.