

Draft Legislative Note to Accompany Revisions to § 9-503
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“Short” Version
(preferred by Professor Cohen)

This legislation contains two alternative sets of amendments relating to the names of individual debtors. Both alternatives refer, in part, to the name as shown on a debtor's [driver's license]. The Legislature should be aware that, in some states, certain characters that may be used by the state's department of motor vehicles (or similar agency) in the name on a [driver's license] may not be accepted by the state's central or local UCC filing offices under current regulations or internal protocols. This may occur because of technological limitations of the filing offices or merely as a result of inconsistent procedures. Similar issues may exist for field sizes as well. In these situations, perfection of a security interest granted by a debtor with such a [driver's license] may be impossible under Alternative A of the amendments and may be more difficult under Alternative B. Accordingly, the Legislature may wish to determine if one or more of these issues exist in this state and, if so, to make certain that such issues have been resolved, which might be accomplished by statute, agency regulation, or technological change effectuated before or as part of enacting the amendments relating to the name of an individual debtor.

“Long” Version

This legislation contains two alternative sets of amendments relating to the names of individual debtors. Both alternatives refer, in part, to the name as shown on a debtor's [driver's license]. The Legislature should be aware that, in some states, certain characters that may be used by the state's department of motor vehicles (or similar agency) in the name on a [driver's license] may not be accepted by the state's central or local UCC filing offices under current regulations or internal protocols. This may occur because of technological limitations of the filing offices or merely as a result of inconsistent procedures. Similarly, the field sizes available in the State's [driver's license] system for the surname, first personal name or additional personal names may exceed the analogous field sizes at the UCC filing office, possibly resulting in omission or truncations. If this situation exists in this state, (i) under Alternative A, perfection of a security interest granted by a debtor with such a [driver's license] may be impossible under Alternative A of the amendments, and (ii) under Alternative B, the flexibility offered would be diminished to the extent that one of the three statutory safe harbor options might be unreliable. Accordingly, the Legislature may wish to determine if one or more of these issues exist in this state and, if so, to make certain that such issues have been resolved, which might be accomplished by statute, agency regulation, or technological change, effectuated before or as part of enacting the amendments relating to the name of an individual debtor.

If the Legislature wishes to enact this legislation without undertaking the actions mentioned above, the Legislature might consider deferring the effective date of the amendments relating to

the name of an individual debtor to a date that will provide sufficient time to resolve issues of the sort described in the previous paragraph.