

FIRST REGULAR SESSION

HOUSE BILL NO. 1077

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRINGER.

2411L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 400.9-102, RSMo, and to enact in lieu thereof four new sections relating to security interests.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 400.9-102, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 400.7-103A, 400.9-102, 400.9-302A, and 430.065, to read as follows:

400.7-103A. (a) A security interest in crops is a production-money security interest to the extent that the crops are production-money crops.

(b) If the extent to which a security interest is a production-money security interest depends on the application of a payment to a particular obligation, the payment shall be applied:

(1) In accordance with any reasonable method of application to which the parties agree;

(2) In the absence of the parties' agreement to a reasonable method, in accordance with any intention of the obligor manifested at or before the time of payment; or

(3) In the absence of an agreement to a reasonable method and a timely manifestation of the obligor's intention, in the following order:

(A) To obligations that are not secured; and

(B) If more than one obligation is secured, to obligations secured by production-money security interests in the order in which those obligations were incurred.

(c) A production-money security interest does not lose its status as such, even if:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (1) The production-money crops, as defined in section 400.9-102, also secure an
17 obligation that is not a production-money obligation, as defined in section 400.9-102;

18 (2) Collateral that is not production-money crops also secures the
19 production-money obligation; or

20 (3) The production-money obligation has been renewed, refinanced, or
21 restructured.

22 (d) A secured party claiming a production-money security interest has the burden
23 of establishing the extent to which the security interest is a production-money security
24 interest.

400.9-102. (a) In this article:

2 (1) "Accession" means goods that are physically united with other goods in such a
3 manner that the identity of the original goods is not lost;

4 (2) "Account", except as used in "account for", means a right to payment of a monetary
5 obligation, whether or not earned by performance, (i) for property that has been or is to be sold,
6 leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered,
7 (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or
8 to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under
9 a charter or other contract, (vii) arising out of the use of a credit or charge card or information
10 contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance
11 operated or sponsored by a state, governmental unit of a state, or person licensed or authorized
12 to operate the game by a state or governmental unit of a state. The term includes
13 health-care-insurance receivables. The term does not include (i) rights to payment evidenced by
14 chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment
15 property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or
16 funds advanced or sold, other than rights arising out of the use of a credit or charge card or
17 information contained on or for use with the card;

18 (3) "Account debtor" means a person obligated on an account, chattel paper, or general
19 intangible. The term does not include persons obligated to pay a negotiable instrument, even if
20 the instrument constitutes part of chattel paper;

21 (4) "Accounting", except as used in "accounting for", means a record:

22 (A) Authenticated by a secured party;

23 (B) Indicating the aggregate unpaid secured obligations as of a date not more than
24 thirty-five days earlier or thirty-five days later than the date of the record; and

25 (C) Identifying the components of the obligations in reasonable detail;

26 (5) "Agricultural lien" means an interest, other than a security interest, in farm products:

27 (A) Which secures payment or performance of an obligation for:

- 28 (i) Goods or services furnished in connection with a debtor's farming operation; or
29 (ii) Rent on real property leased by a debtor in connection with its farming operation;
30 (B) Which is created by statute in favor of a person that:
31 (i) In the ordinary course of its business furnished goods or services to a debtor in
32 connection with a debtor's farming operation; or
33 (ii) Leased real property to a debtor in connection with the debtor's farming operation;
34 and
35 (C) Whose effectiveness does not depend on the person's possession of the personal
36 property;
- 37 (6) "As-extracted collateral" means:
38 (A) Oil, gas, or other minerals that are subject to a security interest that:
39 (i) Is created by a debtor having an interest in the minerals before extraction; and
40 (ii) Attaches to the minerals as extracted; or
41 (B) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other
42 minerals in which the debtor had an interest before extraction;
- 43 (7) "Authenticate" means:
44 (A) To sign; or
45 (B) To execute or otherwise adopt a symbol, or encrypt or similarly process a record in
46 whole or in part, with the present intent of the authenticating person to identify the person and
47 adopt or accept a record;
- 48 (8) "Bank" means an organization that is engaged in the business of banking. The term
49 includes savings banks, savings and loan associations, credit unions, and trust companies;
- 50 (9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the
51 like;
- 52 (10) "Certificate of title" means a certificate of title with respect to which a statute
53 provides for the security interest in question to be indicated on the certificate as a condition or
54 result of the security interest's obtaining priority over the rights of a lien creditor with respect to
55 the collateral;
- 56 (11) "Chattel paper" means a record or records that evidence both a monetary obligation
57 and a security interest in specific goods, a security interest in specific goods and software used
58 in the goods, a security interest in specific goods and license of software used in the goods, a
59 lease of specific goods, or a lease of specific goods and license of software used in the goods.
60 In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or
61 owed under a lease of the goods and includes a monetary obligation with respect to software used
62 in the goods. The term does not include (i) charters or other contracts involving the use or hire
63 of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or

64 charge card or information contained on or for use with the card. If a transaction is evidenced
65 by records that include an instrument or series of instruments, the group of records taken together
66 constitutes chattel paper;

67 (12) "Collateral" means the property subject to a security interest or agricultural lien.
68 The term includes:

69 (A) Proceeds to which a security interest attaches;

70 (B) Accounts, chattel paper, payment intangibles, and promissory notes that have been
71 sold; and

72 (C) Goods that are the subject of a consignment;

73 (13) "Commercial tort claim" means a claim arising in tort with respect to which:

74 (A) The claimant is an organization; or

75 (B) The claimant is an individual and the claim:

76 (i) Arose in the course of the claimant's business or profession; and

77 (ii) Does not include damages arising out of personal injury to or the death of an
78 individual;

79 (14) "Commodity account" means an account maintained by a commodity intermediary
80 in which a commodity contract is carried for a commodity customer;

81 (15) "Commodity contract" means a commodity futures contract, an option on a
82 commodity futures contract, a commodity option, or another contract if the contract or option is:

83 (A) Traded on or subject to the rules of a board of trade that has been designated as a
84 contract market for such a contract pursuant to federal commodities laws; or

85 (B) Traded on a foreign commodity board of trade, exchange, or market, and is carried
86 on the books of a commodity intermediary for a commodity customer;

87 (16) "Commodity customer" means a person for which a commodity intermediary carries
88 a commodity contract on its books;

89 (17) "Commodity intermediary" means a person that:

90 (A) Is registered as a futures commission merchant under federal commodities law; or

91 (B) In the ordinary course of its business provides clearance or settlement services for
92 a board of trade that has been designated as a contract market pursuant to federal commodities
93 law;

94 (18) "Communicate" means:

95 (A) To send a written or other tangible record;

96 (B) To transmit a record by any means agreed upon by the persons sending and receiving
97 the record; or

98 (C) In the case of transmission of a record to or by a filing office, to transmit a record
99 by any means prescribed by filing-office rule;

- 100 (19) "Consignee" means a merchant to which goods are delivered in a consignment;
101 (20) "Consignment" means a transaction, regardless of its form, in which a person
102 delivers goods to a merchant for the purpose of sale and:
103 (A) The merchant:
104 (i) Deals in goods of that kind under a name other than the name of the person making
105 delivery;
106 (ii) Is not an auctioneer; and
107 (iii) Is not generally known by its creditors to be substantially engaged in selling the
108 goods of others;
109 (B) With respect to each delivery, the aggregate value of the goods is one thousand
110 dollars or more at the time of delivery;
111 (C) The goods are not consumer goods immediately before delivery; and
112 (D) The transaction does not create a security interest that secures an obligation;
113 (21) "Consignor" means a person that delivers goods to a consignee in a consignment;
114 (22) "Consumer debtor" means a debtor in a consumer transaction;
115 (23) "Consumer goods" means goods that are used or bought for use primarily for
116 personal, family, or household purposes;
117 (24) "Consumer-goods transaction" means a consumer transaction in which:
118 (A) An individual incurs an obligation primarily for personal, family, or household
119 purposes; and
120 (B) A security interest in consumer goods secures the obligation;
121 (25) "Consumer obligor" means an obligor who is an individual and who incurred the
122 obligation as part of a transaction entered into primarily for personal, family, or household
123 purposes;
124 (26) "Consumer transaction" means a transaction in which (i) an individual incurs an
125 obligation primarily for personal, family, or household purposes, (ii) a security interest secures
126 the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or
127 household purposes. The term includes consumer-goods transactions;
128 (27) "Continuation statement" means an amendment of a financing statement which:
129 (A) Identifies, by its file number, the initial financing statement to which it relates; and
130 (B) Indicates that it is a continuation statement for, or that it is filed to continue the
131 effectiveness of, the identified financing statement;
132 (28) "Debtor" means:
133 (A) A person having an interest, other than a security interest or other lien, in the
134 collateral, whether or not the person is an obligor;
135 (B) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or

- 136 (C) A consignee;
- 137 (29) "Deposit account" means a demand, time, savings, passbook, or similar account
138 maintained with a bank. The term does not include investment property or accounts evidenced
139 by an instrument;
- 140 (30) "Document" means a document of title or a receipt of the type described in section
141 400.7-201(2);
- 142 (31) "Electronic chattel paper" means chattel paper evidenced by a record or records
143 consisting of information stored in an electronic medium;
- 144 (32) "Encumbrance" means a right, other than an ownership interest, in real property.
145 The term includes mortgages and other liens on real property;
- 146 (33) "Equipment" means goods other than inventory, farm products, or consumer goods;
- 147 (34) "Farm products" means goods, other than standing timber, with respect to which
148 the debtor is engaged in a farming operation and which are:
- 149 (A) Crops grown, growing, or to be grown, including:
- 150 (i) Crops produced on trees, vines, and bushes; and
- 151 (ii) Aquatic goods produced in aquacultural operations;
- 152 (B) Livestock, born or unborn, including aquatic goods produced in aquacultural
153 operations;
- 154 (C) Supplies used or produced in a farming operation; or
- 155 (D) Products of crops or livestock in their unmanufactured states;
- 156 (35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or
157 any other farming, livestock, or aquacultural operation;
- 158 (36) "File number" means the number assigned to an initial financing statement pursuant
159 to section 400.9-519(a);
- 160 (37) "Filing office" means an office designated in section 400.9-501 as the place to file
161 a financing statement;
- 162 (38) "Filing-office rule" means a rule adopted pursuant to section 400.9-526;
- 163 (39) "Financing statement" means a record or records composed of an initial financing
164 statement and any filed record relating to the initial financing statement;
- 165 (40) "Fixture filing" means the filing of a financing statement covering goods that are
166 or are to become fixtures and satisfying section 400.9-502(a) and (b). The term includes the
167 filing of a financing statement covering goods of a transmitting utility which are or are to become
168 fixtures;
- 169 (41) "Fixtures" means goods that have become so related to particular real property that
170 an interest in them arises under real property law;

171 (42) "General intangible" means any personal property, including things in action, other
172 than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods,
173 instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or
174 other minerals before extraction. The term includes payment intangibles and software;

175 (43) "Good faith" means honesty in fact;

176 (44) "Goods" means all things that are movable when a security interest attaches. The
177 term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance
178 or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown,
179 even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term
180 also includes a computer program embedded in goods and any supporting information provided
181 in connection with a transaction relating to the program if (i) the program is associated with the
182 goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming
183 the owner of the goods, a person acquires a right to use the program in connection with the
184 goods. The term does not include a computer program embedded in goods that consist solely
185 of the medium in which the program is embedded. The term also does not include accounts,
186 chattel paper, commercial tort claims, deposit accounts, documents, general intangibles,
187 instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or
188 other minerals before extraction;

189 (45) "Governmental unit" means a subdivision, agency, department, county, parish,
190 municipality, or other unit of the government of the United States, a state, or a foreign country.
191 The term includes an organization having a separate corporate existence if the organization is
192 eligible to issue debt on which interest is exempt from income taxation under the laws of the
193 United States;

194 (46) "Health-care-insurance receivable" means an interest in or claim under a policy of
195 insurance which is a right to payment of a monetary obligation for health-care goods or services
196 provided;

197 (47) "Instrument" means a negotiable instrument or any other writing that evidences a
198 right to the payment of a monetary obligation, is not itself a security agreement or lease, and is
199 of a type that in ordinary course of business is transferred by delivery with any necessary
200 indorsement or assignment. The term does not include (i) investment property, (ii) letters of
201 credit, or (iii) writings that evidence a right to payment arising out of the use of a credit or charge
202 card or information contained on or for use with the card;

203 (48) "Inventory" means goods, other than farm products, which:

204 (A) Are leased by a person as lessor;

205 (B) Are held by a person for sale or lease or to be furnished under a contract of service;

206 (C) Are furnished by a person under a contract of service; or

207 (D) Consist of raw materials, work in process, or materials used or consumed in a
208 business;

209 (49) "Investment property" means a security, whether certificated or uncertificated,
210 security entitlement, securities account, commodity contract, or commodity account;

211 (50) "Jurisdiction of organization", with respect to a registered organization, means the
212 jurisdiction under whose law the organization is organized;

213 (51) "Letter-of-credit right" means a right to payment or performance under a letter of
214 credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment
215 or performance. The term does not include the right of a beneficiary to demand payment or
216 performance under a letter of credit;

217 (52) "Lien creditor" means:

218 (A) A creditor that has acquired a lien on the property involved by attachment, levy, or
219 the like;

220 (B) An assignee for benefit of creditors from the time of assignment;

221 (C) A trustee in bankruptcy from the date of the filing of the petition; or

222 (D) A receiver in equity from the time of appointment;

223 (53) "Manufactured home" means a structure, transportable in one or more sections,
224 which, in the traveling mode, is eight body feet or more in width or forty body feet or more in
225 length, or, when erected on site, is three hundred twenty or more square feet, and which is built
226 on a permanent chassis and designed to be used as a dwelling with or without a permanent
227 foundation when connected to the required utilities, and includes the plumbing, heating,
228 air-conditioning, and electrical systems contained therein. The term includes any structure that
229 meets all of the requirements of this paragraph except the size requirements and with respect to
230 which the manufacturer voluntarily files a certification required by the United States Secretary
231 of Housing and Urban Development and complies with the standards established under Title 42
232 of the United States Code;

233 (54) "Manufactured-home transaction" means a secured transaction:

234 (A) That creates a purchase-money security interest in a manufactured home, other than
235 a manufactured home held as inventory; or

236 (B) In which a manufactured home, other than a manufactured home held as inventory,
237 is the primary collateral;

238 (55) "Mortgage" means a consensual interest in real property, including fixtures, which
239 secures payment or performance of an obligation;

240 (56) "New debtor" means a person that becomes bound as debtor under section
241 400.9-203(d) by a security agreement previously entered into by another person;

242 (57) "New value" means (i) money, (ii) money's worth in property, services, or new
243 credit, or (iii) release by a transferee of an interest in property previously transferred to the
244 transferee. The term does not include an obligation substituted for another obligation;

245 (58) "Noncash proceeds" means proceeds other than cash proceeds;

246 (59) "Obligor" means a person that, with respect to an obligation secured by a security
247 interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the
248 obligation, (ii) has provided property other than the collateral to secure payment or other
249 performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment
250 or other performance of the obligation. The term does not include issuers or nominated persons
251 under a letter of credit;

252 (60) "Original debtor", except as used in section 400.9-310(c), means a person that, as
253 debtor, entered into a security agreement to which a new debtor has become bound under section
254 400.9-203(d);

255 (61) "Payment intangible" means a general intangible under which the account debtor's
256 principal obligation is a monetary obligation;

257 (62) "Person related to", with respect to an individual, means:

258 (A) The spouse of the individual;

259 (B) A brother, brother-in-law, sister, or sister-in-law of the individual;

260 (C) An ancestor or lineal descendant of the individual or the individual's spouse; or

261 (D) Any other relative, by blood or marriage, of the individual or the individual's spouse
262 who shares the same home with the individual;

263 (63) "Person related to", with respect to an organization, means:

264 (A) A person directly or indirectly controlling, controlled by, or under common control
265 with the organization;

266 (B) An officer or director of, or a person performing similar functions with respect to,
267 the organization;

268 (C) An officer or director of, or a person performing similar functions with respect to,
269 a person described in subparagraph (A);

270 (D) The spouse of an individual described in subparagraph (A), (B), or (C); or

271 (E) An individual who is related by blood or marriage to an individual described in
272 subparagraph (A), (B), (C), or (D) and shares the same home with the individual;

273 (64) "Proceeds", except as used in section 400.9-609(b), means the following property:

274 (A) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of
275 collateral;

276 (B) Whatever is collected on, or distributed on account of, collateral;

277 (C) Rights arising out of collateral;

278 (D) To the extent of the value of collateral, claims arising out of the loss, nonconformity,
279 or interference with the use of, defects or infringement of rights in, or damage to, the collateral;
280 or

281 (E) To the extent of the value of collateral and to the extent payable to the debtor or the
282 secured party, insurance payable by reason of the loss or nonconformity of, defects or
283 infringement of rights in, or damage to, the collateral;

284 **(65) "Production-money crops", crops that secure a production-money obligation**
285 **incurred with respect to the production of those crops;**

286 **(66) "Production-money obligation", an obligation of an obligor incurred for new**
287 **value given to enable the debtor to produce crops if the value is in fact used for the**
288 **production of the crops;**

289 [(65)] **(67)** "Promissory note" means an instrument that evidences a promise to pay a
290 monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment
291 by a bank that the bank has received for deposit a sum of money or funds;

292 [(66)] **(68)** "Proposal" means a record authenticated by a secured party which includes
293 the terms on which the secured party is willing to accept collateral in full or partial satisfaction
294 of the obligation it secures pursuant to sections 400.9-620, 400.9-621 and 400.9-622;

295 [(67)] **(69)** "Pursuant to commitment", with respect to an advance made or other value
296 given by a secured party, means pursuant to the secured party's obligation, whether or not a
297 subsequent event of default or other event not within the secured party's control has relieved or
298 may relieve the secured party from its obligation;

299 [(68)] **(70)** "Record", except as used in "for record", "of record", "record or legal title",
300 and "record owner", means information that is inscribed on a tangible medium or which is stored
301 in an electronic or other medium and is retrievable in perceivable form;

302 [(69)] **(71)** "Registered organization" means an organization organized solely under the
303 law of a single state or the United States and as to which the state or the United States must
304 maintain a public record showing the organization to have been organized;

305 [(70)] **(72)** "Secondary obligor" means an obligor to the extent that:

306 (A) The obligor's obligation is secondary; or

307 (B) The obligor has a right of recourse with respect to an obligation secured by collateral
308 against the debtor, another obligor, or property of either;

309 [(71)] **(73)** "Secured party" means:

310 (A) A person in whose favor a security interest is created or provided for under a security
311 agreement, whether or not any obligation to be secured is outstanding;

312 (B) A person that holds an agricultural lien;

313 (C) A consignor;

314 (D) A person to which accounts, chattel paper, payment intangibles, or promissory notes
315 have been sold;

316 (E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose
317 favor a security interest or agricultural lien is created or provided for; or

318 (F) A person that holds a security interest arising under sections 400.2-401, 400.2-505,
319 400.2-711(3), 400.2A-508(5), 400.4-210 or 400.5-118;

320 [(72)] **(74)** "Security agreement" means an agreement that creates or provides for a
321 security interest;

322 [(73)] **(75)** "Send", in connection with a record or notification, means:

323 (A) To deposit in the mail, deliver for transmission, or transmit by any other usual means
324 of communication, with postage or cost of transmission provided for, addressed to any address
325 reasonable under the circumstances; or

326 (B) To cause the record or notification to be received within the time that it would have
327 been received if properly sent under subparagraph (A);

328 [(74)] **(76)** "Software" means a computer program and any supporting information
329 provided in connection with a transaction relating to the program. The term does not include a
330 computer program that is included in the definition of goods;

331 [(75)] **(77)** "State" means a state of the United States, the District of Columbia, Puerto
332 Rico, the United States Virgin Islands, or any territory or insular possession subject to the
333 jurisdiction of the United States;

334 [(76)] **(78)** "Supporting obligation" means a letter-of-credit right or secondary obligation
335 that supports the payment or performance of an account, chattel paper, a document, a general
336 intangible, an instrument, or investment property;

337 [(77)] **(79)** "Tangible chattel paper" means chattel paper evidenced by a record or records
338 consisting of information that is inscribed on a tangible medium;

339 [(78)] **(80)** "Termination statement" means an amendment of a financing statement
340 which:

341 (A) Identifies, by its file number, the initial financing statement to which it relates; and

342 (B) Indicates either that it is a termination statement or that the identified financing
343 statement is no longer effective;

344 [(79)] **(81)** "Transmitting utility" means a person primarily engaged in the business of:

345 (A) Operating a railroad, subway, street railway, or trolley bus;

346 (B) Transmitting communications electrically, electromagnetically, or by light;

347 (C) Transmitting goods by pipeline or sewer; or

348 (D) Transmitting or producing and transmitting electricity, steam, gas, or water.

349 (b) The following definitions in other articles apply to this article:

350	"Applicant"	Section 400.5-102.
351	"Beneficiary"	Section 400.5-102.
352	"Broker"	Section 400.8-102.
353	"Certificated security"	Section 400.8-102.
354	"Check"	Section 400.3-104.
355	"Clearing corporation"	Section 400.8-102.
356	"Contract for sale"	Section 400.2-106.
357	"Customer"	Section 400.4-104.
358	"Entitlement holder"	Section 400.8-102.
359	"Financial asset"	Section 400.8-102.
360	"Holder in due course"	Section 400.3-302.
361	"Issuer" (with respect to a letter of	
362	credit or letter-of-credit right)	Section 400.5-102.
363	"Issuer" (with respect to a security)	Section 400.8-201.
364	"Lease"	Section 400.2A-103.
365	"Lease agreement"	Section 400.2A-103.
366	"Lease contract"	Section 400.2A-103.
367	"Leasehold interest"	Section 400.2A-103.
368	"Lessee"	Section 400.2A-103.
369	"Lessee in ordinary course of	
370	business"	Section 400.2A-103.
371	"Lessor"	Section 400.2A-103.
372	"Lessor's residual interest"	Section 400.2A-103.
373	"Letter of credit"	Section 400.5-102.
374	"Merchant"	Section 400.2-104.
375	"Negotiable instrument"	Section 400.3-104.
376	"Nominated person"	Section 400.5-102.
377	"Note"	Section 400.3-104.
378	"Proceeds of a letter of credit"	Section 400.5-114.
379	"Prove"	Section 400.3-103.
380	"Sale"	Section 400.2-106.
381	"Securities account"	Section 400.8-501.
382	"Securities intermediary"	Section 400.8-102.
383	"Security"	Section 400.8-102.
384	"Security certificate"	Section 400.8-102.
385	"Security entitlement"	Section 400.8-102.

386 "Uncertificated security" Section 400.8-102.

387 (c) This section contains general definitions and principles of construction and
388 interpretation applicable throughout sections 400.9-103 to 400.9-708.

389 **400.9-302A. (a) Except as otherwise provided in subsections (c), (d), and (e), if the**
390 **requirements of subsection (b) are satisfied, a perfected production-money security interest**
391 **in production-money crops has priority over a conflicting security interest in the same**
392 **crops and, except as otherwise provided in section 400.9-327, also has priority in their**
393 **identifiable proceeds.**

394 (b) A production-money security interest has priority under subsection (a) of this
395 section if:

396 (1) The production-money security interest is perfected by filing when the
397 production-money secured party first gives new value to enable the debtor to produce the
398 crops;

399 (2) The production-money secured party sends an authenticated notification to the
400 holder of the conflicting security interest not less than ten or more than thirty days before
401 the production-money secured party first gives new value to enable the debtor to produce
402 the crops if the holder had filed a financing statement covering the crops before the date
403 of the filing made by the production-money secured party; and

404 (3) The notification states that the production-money secured party has or expects
405 to acquire a production-money security interest in the debtor's crops and provides a
406 description of the crops.

407 (c) Except as otherwise provided in subsection (d) or (e), if more than one security
408 interest qualifies for priority in the same collateral under subsection (a) of this section, the
409 security interests rank according to priority in time of filing under section 400.9-322(a).

410 (d) To the extent that a person holding a perfected security interest in
411 production-money crops that are the subject of a production-money security interest gives
412 new value to enable the debtor to produce the production-money crops and the value is in
413 fact used for the production of the production-money crops, the security interests rank
414 according to priority in time of filing under section 400.9-322(a).

415 (e) To the extent that a person holds both an agricultural lien and a
416 production-money security interest in the same collateral securing the same obligations,
417 the rules of priority applicable to agricultural liens govern priority.

430.065. 1. As used in this section, the following terms mean:

2 (1) "Animal" or "animals", any mammalian animal other than human and any
3 fowl, bird, amphibian, fish or reptile, wild or domestic, living or dead;

4 (2) "Board", the Missouri veterinary medical board;

5 (3) "Owner" or "lawful possessor", any individual, corporation, partnership,
6 limited liability company, joint venture, trust, or other legal entity that owns an animal
7 subject to a lien arising under this section;

8 (4) "Person", any individual, corporation, partnership, association or other entity;

9 (5) "School of veterinary medicine", any veterinary college or division of a
10 university or college that offers the degree of doctor of veterinary medicine or its
11 equivalent, which conforms to the standards required for accreditation by the American
12 Veterinary Medical Association and which is recognized and approved by the board;

13 (6) "Veterinarian", a person who has received a doctor of veterinary medicine
14 degree or the equivalent from a school of veterinary medicine;

15 (7) "Veterinary services", the provision of veterinary medical care and treatment,
16 surgery, vaccines, antisera, antibiotics, food, board, or other services to or on behalf of any
17 animal.

18 2. A veterinarian offering veterinary services to animals, who shall, at the request
19 of the owner or lawful possessor of any animal or animals, bestow any professional
20 attention, care, vaccines, antisera, virus, antibiotics, or other medical treatment, food, or
21 services upon the same shall have a lien upon such animal or animals for the just and
22 reasonable charges therefor, and may hold and retain possession of such animal until such
23 charges are paid, but such lien shall be valid if the veterinarian recorded a verified notice
24 of the lien upon such animal or animals in the office of the recorder of deeds in the county
25 in which such veterinary services were rendered prior to the expiration of sixty days after
26 such services were rendered. The possessory lien hereby created shall have priority over
27 all other liens, security interests, or other encumbrances upon such animal or animals,
28 regardless of where such veterinary service has been rendered. The nonpossessory lien
29 created under this section shall have priority over any and all other liens, security interests,
30 or other encumbrances upon such animal or animals and previously perfected security
31 interests, regardless of where such veterinary services have been rendered. A lien under
32 this section may not be enforced against a subsequent purchaser of the animal treated
33 unless the purchaser has received actual prior notice of the existence of such lien.

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