



# GOVERNMENT DEBTORS UNDER UCC ARTICLE 9

| State | Excluded? | Statutory Citation                         |
|-------|-----------|--|
| AL*   | Yes       | Ala. Code § 7-9A-109(d)(14)                |
| AK    | Yes       | Alaska Stat. § 45.29.109(d)(14)            |
| AZ    | Yes       | Ariz. Rev. Stat. § 47-9109(d)(14)          |
| AR*   | Yes       | Ark. Code Ann. § 4-9-109(d)(14)            |
| CA    | Yes       | Cal. U.C.C. § 9109(d)(17)                  |
| CO    | Yes       | Colo. Rev. Stat. § 4-9-109(e)              |
| CT*   | Yes       | Conn. Gen. Stat. § 42a-9-109(d)(14)        |
| DC    | No        | D.C. Code § 28:9-109(c)                    |
| DE    | No        | Del. Code Ann. tit. 6, § 9-109(c)          |
| FL    | Yes       | Fla. Stat. § 679.1091(4)(n)                |
| GA*   | Yes       | Ga. Code Ann. § 11-9-109(d)(16)            |
| HI    | Yes       | Haw. Rev. Stat. § 490:9-109(d)(14)         |
| ID    | No        | Idaho Code Ann § 28-9-109(c)               |
| IL    | Yes       | 810 Ill. Comp. Stat. 5/9-109(d)(13)        |
| IN    | Yes       | Ind. Code § 26-1-9.1-109(d)(14)            |
| IA*   | Yes       | Iowa Code § 554.9109(4)(n)                 |
| KS    | Yes       | Kan. U.C.C. Ann. § 84-9-109(d)(15)         |
| KY    | Yes       | Ky. Rev. Stat. Ann. § 355.9-109(4)(q)      |
| LA    | No        | La. Rev. Stat. Ann. § 10:9-109             |
| ME    | No        | Maine Rev. Stat. Ann. tit. 11, § 9-1109(3) |
| MD    | No        | Md. Code Ann. Com. Law § 9-109(c)          |
| MA    | No        | Mass. Ann. Laws ch. 106, § 9-109(c)        |
| MI    | Yes       | Mich. Comp. Laws § 440.9109(4)(m)          |
| MN    | No        | Minn. Stat. § 336.9-109(c)                 |
| MS    | Yes       | Miss. Code Ann. § 75-9-109(d)(13)          |
| MO    | Yes       | Mo. Rev. Stat. § 400.9-109(d)(16)          |
| MT    | Yes       | Mont. Code Ann. § 30-9A-109(4)(m)          |
| NE    | No        | Neb. Rev. Stat. (UCC) § 9-109(c)           |
| NV    | Yes       | Nev. Rev. Stat. § 104.9109(4)(n)           |
| NH    | No        | N.H. Rev. Stat. Ann. § 382-A:9-109(c)      |
| NJ    | Yes       | N.J. Stat. Ann. § 12A:9-109(d)(14)         |
| NM    | Yes       | N.M. Stat. § 55-9-109(d)(14)               |
| NY    | No        | N.Y. U.C.C. Law § 9-109(c)                 |
| NC    | Yes       | N.C. Gen. Stat. § 25-9-109(d)(14)          |
| ND    | Yes       | N.D. Cent. Code, § 41-09-09(4)(m)          |
| OH    | Yes       | Ohio Rev. Code Ann. § 1309.109(D)(14)      |
| OK    | No        | Okla. Stat. tit. 12A, § 1-9-109(c)         |
| OR    | No        | Or. Rev Stat. § 79.0109(3)                 |
| PA    | No        | 13 Pa. Cons. Stat. § 9109(c)               |
| RI    | No        | R.I. Gen. Laws § 6A-9-109(c)               |
| SC    | Yes       | S.C. Code Ann. § 36-9-109(d)(14)           |
| SD    | Yes       | S.D. Codified Laws § 57A-9-109(d)(13)      |
| TN    | No        | Tenn. Code Ann. § 47-9-109(c)              |
| TX    | No        | Tex. Bus. & Com. Code Ann. § 9.109(c)      |
| UT    | No        | Utah Code Ann. § 70A-9a-109(c)             |
| VT    | Yes       | Vt. Stat. Ann. tit. 9A, § 9-109(d)(14)     |
| VA*   | Yes       | Va. Code Ann. § 8.9A-109(d)(14) and (e)    |
| WA    | Yes       | Wash. Rev. Code § 62A.9A-109(d)(14)        |
| WV    | Yes       | W.Va. Code § 46-9-109(d)(14)               |
| WI    | No        | Wis. Stat. § 409.109(3)                    |
| WY    | Yes       | Wyo. Stat. Ann. § 34.1-9-109(d)(xiv)       |

\*Exclusion may be partial

### Explanation:

Prior to 2001, transfers by a government or government subdivision or agency were excluded from the scope of Article 9. See the pre-revision text of UCC § 9-104(e). The scope provision of Revised Article 9, which took effect in 2001, was changed “to reflect the view that Article 9 should apply to security interests created by a State, foreign country, or a government unit.” Revised UCC § 9-109 cmt. 9.

Many states enacted Revised Article 9 with a non-uniform provision that continued the former practice of excluding transfers by government debtors from the scope of Article 9.

This chart identifies those states that continue to exclude transfers by government debtors from the scope of Article 9.

For more information please contact:

Paul Hodnefield  
 Associate General Counsel  
 Corporation Service Company  
 Phone: (651) 494-1730  
 Email: [paul.hodnefield@cscglobal.com](mailto:paul.hodnefield@cscglobal.com)