

**554.9109 Scope.**

1. *General scope of Article.* Except as otherwise provided in subsections 3 and 4, this Article applies to:

- a. a transaction, regardless of its form, that creates a security interest in personal property or fixtures by contract;
- b. an agricultural lien;
- c. a sale of accounts, chattel paper, payment intangibles, or promissory notes;
- d. a consignment;
- e. a security interest arising under section 554.2401, 554.2505, 554.2711, subsection 3, or section 554.13508, subsection 5, as provided in section 554.9110; and
- f. a security interest arising under section 554.4210 or 554.5118.

2. *Security interest in secured obligation.* The application of this Article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this Article does not apply.

3. *Extent to which Article does not apply.* This Article does not apply to the extent that:

- a. a statute, regulation, or treaty of the United States preempts this Article;
- b. another statute of this state expressly governs the creation, perfection, priority, or enforcement of a security interest created by this state or a governmental unit of this state;
- c. a statute of another state, a foreign country, or a governmental unit of another state or a foreign country, other than a statute generally applicable to security interests, expressly governs creation, perfection, priority, or enforcement of a security interest created by the state, country, or governmental unit; or
- d. the rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under section 554.5114.

4. *Inapplicability of Article.* This Article does not apply to:

- a. a landlord's lien, other than an agricultural lien;
- b. a lien, other than an agricultural lien, given by statute or other rule of law for services or materials, but section 554.9333 applies with respect to priority of the lien;
- c. an assignment of a claim for wages, salary, or other compensation of an employee;
- d. a sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;
- e. an assignment of accounts, chattel paper, payment intangibles, or promissory notes which is for the purpose of collection only;
- f. an assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;
- g. an assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;
- h. a transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health care provider of a health care insurance receivable and any subsequent assignment of the right to payment, but sections 554.9315 and 554.9322 apply with respect to proceeds and priorities in proceeds;
- i. an assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;
- j. a right of recoupment or setoff, but:
  - (1) section 554.9340 applies with respect to the effectiveness of rights of recoupment or setoff against deposit accounts; and
  - (2) section 554.9404 applies with respect to defenses or claims of an account debtor;
- k. the creation or transfer of an interest in or lien on real property, including a lease or rents thereunder, except to the extent that provision is made for:
  - (1) liens on real property in sections 554.9203 and 554.9308;
  - (2) fixtures in section 554.9334;
  - (3) fixture filings in sections 554.9501, 554.9502, 554.9512, 554.9516, and 554.9519; and
  - (4) security agreements covering personal and real property in section 554.9604;
- l. an assignment of a claim arising in tort, other than a commercial tort claim, but sections 554.9315 and 554.9322 apply with respect to proceeds and priorities in proceeds;

*m.* an assignment of a deposit account in a consumer transaction, but sections 554.9315 and 554.9322 apply with respect to proceeds and priorities in proceeds;

*n.* a transfer, other than a transfer pursuant to chapter 419, by this state or a governmental unit within this state in connection with a public-finance transaction or a transaction that would be a public-finance transaction but for failure to meet the criterion set forth in section 554.9102, subsection 1, paragraph “*bo*”, subparagraph (2); or

*o.* an assignment of a claim or right to receive any of the following:

(1) compensation for injuries or sickness as provided in 26 U.S.C. § 104(a)(1) or (2).

(2) benefits under a special needs trust as provided in 42 U.S.C. § 1396p(d)(4).

2000 Acts, ch 1149, §9, 185, 187; 2002 Acts, ch 1119, §88

Effective July 1, 2001; 2000 Acts, ch 1149, §187; former section repealed effective July 1, 2001; 2000 Acts, ch 1149, §185, 187; for law prior to July 1, 2001, see Code 2001