



# MARTIN | PRINGLE

## ATTORNEYS AT LAW

### **Financing Statements For Individual Debtors after 2010 UCC Amendments;** **Kansas Adopts Alternative A**

Kansas, in connection with the 2010 uniform amendments to the Uniform Commercial Code, adopted Alternative A for individual debtor names. Alternative A provides that the proper name on a financing statement for an individual debtor is the name on a valid driver's license issued by Kansas. This rule is effective for financing statements filed after July 1, 2013.

The driver's license name issued, even if it contains typographical errors, is the name to be used. The driver's license name ceases to be the name for a financing statement if (a) the license expires and is not renewed; or (b) four months after the debtor changes his or her name (four month grace period).

The Kansas transition rules are a little murky. Kansas adopted the uniform provision requiring financing statements to comply with the 2010 amendments no later than June 30, 2014. The uniform amendments contain an exception for financing statements filed before July 1, 2013 that were in compliance with the name requirements prior to the amendments. Such financing statements filed prior to July 1, 2013, under the uniform amendments, do not have to be amended until a continuation statement is required to be filed.

However, the exception is not properly cited in the statute stating the general cutoff date of June 30, 2014. The exception cited is not the rule allowing compliance when a continuation statement is filed. It is an open question whether Kansas requires financing statements filed before July 1, 2013 to be corrected (a) before June 30, 2014; or (b) at the time a continuation statement is due.

For information on secured transactions and other lending representation, please contact Ken Dannenberg ([kwdannenberg@martinpringle.com](mailto:kwdannenberg@martinpringle.com)) or Zach Wiggins ([zkwiggins@martinpringle.com](mailto:zkwiggins@martinpringle.com)).