

SENATE FILE NO. SF0189

Uniform commercial code-investment securities amendments.

Sponsored by: Senator(s) Biteman

A BILL

for

1 AN ACT relating to the uniform commercial code; clarifying
2 rules for the applicability of the code for investment
3 securities; amending priority rules for securities
4 intermediaries; making conforming amendments; repealing
5 priority rules and applicability rules related to
6 securities intermediaries; and providing for an effective
7 date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 34.1-8-110(b)(intro), 34.1-8-503(a),
12 34.1-8-511(a) and 34.1-9-305(a)(iii) are amended to
13 read:

14

15 **34.1-8-110. Applicability; choice of law.**

16

1 (b) The ~~local~~ law of ~~the securities intermediary's~~
2 ~~jurisdiction, as specified in subsection (c) of this~~
3 ~~section,~~ state governs:
4

5 **34.1-8-503. Property interest of entitlement holder**
6 **in financial asset held by securities intermediary.**
7

8 (a) To the extent necessary for a securities
9 intermediary to satisfy all security entitlements with
10 respect to a particular financial asset, all interests in
11 that financial asset held by the securities intermediary
12 are held by the securities intermediary for the entitlement
13 holders, are not property of the securities intermediary,
14 and are not subject to claims of creditors of the
15 securities intermediary, ~~except as otherwise provided in~~
16 ~~W.S. 34.1-8-511.~~
17

18 **34.1-8-511. Priority among security interests and**
19 **entitlement holders.**
20

21 (a) ~~Except as otherwise provided in subsections (b)~~
22 ~~and (c) of this section,~~ If a securities intermediary does
23 not have sufficient interests in a particular financial

1 asset to satisfy both its obligations to entitlement
2 holders who have security entitlements to that financial
3 asset and its obligation to a creditor of the securities
4 intermediary who has a security interest in that financial
5 asset, the claims of entitlement holders, other than the
6 creditor, have priority over the claim of the creditor.

7

8 **34.1-9-305. Law governing perfection and priority of**
9 **security interests in investment property.**

10

11 (a) Except as otherwise provided in subsection (c),
12 the following rules apply:

13

14 (iii) The ~~local~~ law of ~~the securities~~
15 ~~intermediary's jurisdiction as specified in section~~
16 ~~34.1-8-110(e)~~ this state governs perfection, the effect of
17 perfection or nonperfection and the priority of a security
18 interest in a security entitlement or securities account;

19

20 **Section 2.** W.S. 34.1-8-110(e) and (f) and
21 34.1-8-511(b) and (c) are repealed.

22

