

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 28.**  
**COMMERCIAL INSTRUMENTS AND**  
**TRANSACTIONS.**

**ARTICLE 11.**  
**EFFECTIVE DATE AND TRANSITION PROVISIONS.**

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**ARTICLE 11. EFFECTIVE DATE AND TRANSITION**  
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# ARTICLE 11. EFFECTIVE DATE AND TRANSITION PROVISIONS.

## § 28:11-101. EFFECTIVE DATE.

The provisions of this act which amend article 9 and the provisions affecting secured transactions shall become effective at 12:01 A.M. on the 181st day after the effective date of this act.

(Mar. 16, 1982, D.C. Law 4-85, § 40, 29 DCR 309.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 28:11-101.

#### *Legislative History of Laws*

Law 4-85, the "Uniform Commercial Code Amendments Act of 1981," was introduced in Council and assigned Bill No. 4-89, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 24, 1981, and December 8, 1981, respectively. Signed by the Mayor on January 18, 1982, it was assigned Act No. 4-139 and transmitted to both Houses of Congress for its review.

#### *References in Text*

"This act", referred to in this section, is D.C. Law 4-85.

#### *Editor's Notes*

D.C. Law 4-85 became law on March 16, 1982. The 181st day following March 16, 1982 was September 13, 1982.

## § 28:11-102. [OMITTED]

## § 28:11-103. TRANSITION TO THIS ACT--GENERAL RULE.

Transactions validly entered into after January 1, 1965 and before the effective date of this act (as provided in section 28:11-101), and which were subject to the provisions of articles 1 through 9 of the Uniform Commercial Code, effective January 1, 1965, and which would be subject to this act as amended if they had been entered into after the effective date of this act (as provided in section 28:11-101) and the rights, duties and interests flowing from such transactions remain valid after the latter date and may be terminated, completed, consummated or enforced as required or permitted by this act. Security interests arising out of such transactions which are perfected when this act becomes effective shall remain perfected until they lapse as provided in this act, and may be continued as permitted by this act, except as stated in section 28:11-105.

(Mar. 16, 1982, D.C. Law 4-85, § 40, 29 DCR 309.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 28:11-103.

#### *Legislative History of Laws*

For legislative history of D.C. Law 4-85, see Historical and Statutory Notes following § 28:11-101.

#### *References in Text*

"This act", referred to in this section, is D.C. Law 4-85.

## **§ 28:11-104. TRANSITION PROVISION ON CHANGE OF REQUIREMENT OF FILING.**

A security interest for the perfection of which filing or the taking of possession was required under article 9 of this subtitle, effective January 1, 1965, and which attached prior to the effective date of this act (as provided in section 28:11-101) but was not perfected shall be deemed perfected on such effective date of this act if this act permits perfection without filing or authorizes filing in the office or offices where a prior ineffective filing was made.

(Mar. 16, 1982, D.C. Law 4-85, § 40, 29 DCR 309.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 28:11-104.

#### *Legislative History of Laws*

For legislative history of D.C. Law 4-85, see Historical and Statutory Notes following § 28:11-101.

#### *References in Text*

"This act", referred to in this section, is D.C. Law 4-85.

## **§ 28:11-105. TRANSITION PROVISION ON CHANGE OF PLACE OF FILING.**

(1) A financing statement or continuation statement filed prior to the effective date of this act (as provided in section 28:11-101) which shall not have lapsed prior to such effective date of this act shall remain effective for the period provided for in article 9 of this subtitle, effective January 1, 1965, but not less than five years after the filing.

(2) With respect to any collateral acquired by the debtor subsequent to the effective date of this act (as provided in section 28:11-101), any effective financing statement or continuation statement described in this section shall apply only if the filing or filings are in the office or offices that would be appropriate to perfect the security interests in the new collateral under this act.

(3) The effectiveness of any financing statement or continuation statement filed prior to the effective date of this act (as provided in section 28:11- 101) may be continued by a continuation statement as permitted by this act except that if this act requires a filing in an office where there was no previous financing statement, a new financing statement conforming to section 28:11-106 shall be filed in that office.

(4) If the record of a mortgage of real estate would have been effective as a fixture filing of goods described therein if this act had been in effect on the date of recording the mortgage, the mortgage shall be deemed effective as a fixture filing as to such goods under section 28:9-402 (6) of this act on the effective date of this act (as provided in section 28:11-101).

(Mar. 16, 1982, D.C. Law 4-85, § 40, 29 DCR 309.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 28:11-105.

#### *Legislative History of Laws*

For legislative history of D.C. Law 4-85, see Historical and Statutory Notes following § 28:11-101.

#### *References in Text*

"This act", referred to in this section, is D.C. Law 4-85.

## **§ 28:11-106. REQUIRED REFILINGS.**

(1) If a security interest is perfected or has priority when this act takes effect (as provided in section 28:11-101) as to all persons or as to certain persons without any filing or recording, and if the filing of a financing statement would be required for the perfection or priority of the security interest against those persons under this act, the perfection and priority rights of the security interest continue until three years after such effective date of this act. The perfection will then lapse unless a financing statement is filed as provided in subsection (4) or unless the security interest is perfected otherwise than by filing.

(2) If a security interest is perfected when this act takes effect (as provided in section 28:11-101) under a law other than the Uniform Commercial Code which requires no further filing, refiling or recording to continue its perfection, perfection continues until and will lapse three years after this act takes effect, unless a financing statement is filed as provided in subsection (4) or unless the security interest is perfected otherwise than by filing, or unless under section 28:9-302 (3) the other law continues to govern filing.

(3) If a security interest is perfected by a filing, refiling or recording under a law repealed by this act which required further filing, refiling or recording to continue its perfection, perfection continues and will lapse on the date provided by the law so repealed for such further filing, refiling or recording unless a financing statement is filed as provided in subsection (4) or unless the security interest is perfected otherwise than by filing.

(4) A financing statement may be filed within six months before the perfection of a security interest would otherwise lapse. Any such financing statement may be signed by either the debtor or the secured party. It must identify the security agreement, statement or notice (however denominated in any statute or other law repealed or modified by this act), state the office where and the date when the last filing, refiling or recording, if any, was made with respect thereto, and the filing number, if any, or book and page, if any, of recording and further state that the security agreement, statement or notice, however denominated, in another filing office under the Uniform Commercial Code effective January 1, 1965, or under any statute or other law repealed or modified by this act is still effective. Section 28:9-401 and section 28:9-103 determine the proper place to file such a financing statement. Except as specified in this subsection, the provisions of section 28:9-403 (3) for continuation statements apply to such a financing statement.

(Mar. 16, 1982, D.C. Law 4-85, § 40, 29 DCR 309.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 28:11-106.

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-85, see Historical and Statutory Notes following § 28:11-101.

##### *References in Text*

"This act", referred to in this section, is D.C. Law 4-85.

### **§ 28:11-107. TRANSITION PROVISIONS AS TO PRIORITIES.**

Except as otherwise provided in this article, the Uniform Commercial Code effective January 1, 1965, shall apply to any questions of priority if the positions of the parties were fixed prior to the effective date of this act (as provided in section 28:11-101). In other cases questions of priority shall be determined by this act.

(Mar. 16, 1982, D.C. Law 4-85, § 40, 29 DCR 309.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 28:11-107.

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-85, see Historical and Statutory Notes following § 28:11-101.

##### *References in Text*

"This act", referred to in this section, is D.C. Law 4-85.

### **§ 28:11-108. PRESUMPTION THAT RULE OF LAW CONTINUES UNCHANGED.**

Unless a change in law has clearly been made, the provisions of this act shall be deemed declaratory of the meaning of the Uniform Commercial Code, effective January 1, 1965.

(Mar. 16, 1982, D.C. Law 4-85, § 40, 29 DCR 309.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 28:11-108.

*Legislative History of Laws*

For legislative history of D.C. Law 4-85, see Historical and Statutory Notes following § 28:11-101.

*References in Text*

"This act", referred to in this section, is D.C. Law 4-85.