

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 2028

By: Morgan (Fred)

AS INTRODUCED

An Act relating to the commercial code; amending 12A O.S. 2001, Section 1-102, which relates to the Uniform Commercial Code; clarifying language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12A O.S. 2001, Section 1-102, is amended to read as follows:

Section 1-102. ~~(1)~~ A. This act shall be liberally construed and applied to promote its underlying purposes and policies.

~~(2)~~ B. Underlying purposes and policies of this act are:

~~(a)~~ ~~to~~ 1. To simplify, clarify and modernize the law governing commercial transactions;

~~(b)~~ ~~to~~ 2. To permit the continued expansion of commercial practices through custom, usage and agreement of the parties; and

~~(c)~~ ~~to~~ 3. To make uniform the law among the various jurisdictions.

~~(3)~~ C. The effect of provisions of this act may be varied by agreement, except as otherwise provided in this act and except that the obligations of good faith, diligence, reasonableness and care prescribed by this act may not be disclaimed by agreement but the parties may by agreement determine the standards by which the performance of such obligations is to be measured if such standards are not manifestly unreasonable.

~~(4)~~ D. The presence in certain provisions of this act of the words "unless otherwise agreed" or words of similar import does not

imply that the effect of other provisions may not be varied by agreement under subsection ~~(3)~~ C.

~~(5)~~ E. In this act unless the context otherwise requires:

~~(a)~~ words 1. Words in the singular number include the plural, and in the plural include the singular; and

~~(b)~~ words 2. Words of the masculine gender include the feminine and the neuter gender, and when the sense so indicates words of the neuter gender may refer to any gender.

SECTION 2. This act shall become effective November 1, 2005.

50-1-5084          SBH          1/20/05