

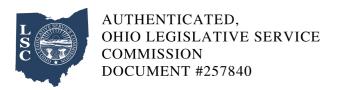
Ohio Revised Code

Section 1309.628 Nonliability and limitation on liability of secured party - liability of secondary obligor - UCC 9-628.

Effective: July 1, 2001

Legislation: Senate Bill 74 - 124th General Assembly

- (A) Unless a secured party knows that a person is a debtor or obligor, knows the identity of the person, and knows how to communicate with the person:
- (1) The secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this chapter; and
- (2) The failure of the secured party to comply with this chapter does not affect the liability of the person for a deficiency.
- (B) A secured party is not liable because of its status as secured party:
- (1) To a person that is a debtor or obligor, unless the secured party knows;
- (a) That the person is a debtor or obligor;
- (b) The identity of the person; and
- (c) How to communicate with the person; or
- (2) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:
- (a) That the person is a debtor; and
- (b) The identity of the person.
- (C) A secured party is not liable to any person, and a person's liability for a deficiency is not



affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods, if the secured party's belief is based on its reasonable reliance on:

- (1) A debtor's representation concerning the purpose for which collateral was to be used, acquired, or held; or
- (2) An obligor's representation concerning the purpose for which a secured obligation was incurred.
- (D) A secured party is not liable to any person under division (C)(2) of section 1309.625 of the Revised Code for its failure to comply with section 1309.616 of the Revised Code.
- (E) A secured party is not liable under division (C)(2) of section 1309.625 of the Revised Code more than once with respect to any one secured obligation.