

2016 Kansas Statutes

84-4-104. Definitions and index of definitions. (a) In this article, unless the context otherwise requires:

- (1) "Account" means any deposit or credit account with a bank, including a demand, time, savings, passbook, share draft, or like account, other than an account evidenced by a certificate of deposit;
- (2) "Afternoon" means the period of a day between noon and midnight;
- (3) "Banking day" means the part of a day on which a bank is open to the public for carrying on substantially all of its banking functions;
- (4) "Clearing house" means an association of banks or other payors regularly clearing items;
- (5) "Customer" means a person having an account with a bank or for whom a bank has agreed to collect items, including a bank that maintains an account at another bank;
- (6) "Documentary draft" means a draft to be presented for acceptance or payment if specified documents, certificated securities K.S.A. 84-8-102, and amendments thereto, or instructions for uncertificated securities (K.S.A. 84-8-308, and amendments thereto), or other certificates, statements, or the like are to be received by the drawee or other payor before acceptance or payment of the draft;
- (7) "Draft" means a draft as defined in K.S.A. 84-3-104, and amendments thereto, or an item, other than an instrument, that is an order.
- (8) "Drawee" means a person ordered in a draft to make payment;
- (9) "Item" means an instrument or a promise in order to pay money handled by a bank for collection or payment. The term does not include a payment order governed by article 4a, and amendments thereto, or a credit or debit card slip;
- (10) "Midnight deadline" with respect to a bank is midnight on its next banking day following the banking day on which it receives the relevant item or notice or from which the time for taking action commences to run, whichever is later;
- (11) "Settle" means to pay in cash, by clearing-house settlement, in a charge or credit or by remittance, or otherwise as agreed. A settlement may be either provisional or final;
- (12) "Suspends payments" with respect to a bank means that it has been closed by order of the supervisory authorities, that a public officer has been appointed to take it over or that it ceases or refuses to make payments in the ordinary course of business.

(b) Other definitions applying to this article and the sections in which they appear are:

- "Agreement for electronic presentment." 84-4-110, and amendments thereto.
- "Bank." 84-4-105, and amendments thereto.
- "Collecting bank." 84-4-105, and amendments thereto.
- "Depository bank." 84-4-105, and amendments thereto.
- "Intermediary bank." 84-4-105, and amendments thereto.
- "Payor bank." 84-4-105, and amendments thereto.
- "Presenting bank." 84-4-105, and amendments thereto.
- "Presentment notice." 84-4-110, and amendments thereto.

(c) "Control" as provided in K.S.A. 2016 Supp. 84-7-106, and amendments thereto, and the following definitions in other articles apply to this article:

- "Acceptance." 84-3-410, and amendments thereto.
- "Alteration." 84-3-407, and amendments thereto.
- "Cashier's check." 84-3-104, and amendments thereto.
- "Certificate of deposit." 84-3-104, and amendments thereto.
- "Certified check." 84-3-409, and amendments thereto.
- "Check." 84-3-104, and amendments thereto.
- "Draft." 84-3-104, and amendments thereto.
- "Holder in due course." 84-3-302, and amendments thereto.
- "Instrument." 84-3-104, and amendments thereto.
- "Notice of dishonor." 84-3-503, and amendments thereto.
- "Order." 84-3-103, and amendments thereto.
- "Ordinary care." 84-3-103, and amendments thereto.
- "Person entitled to enforce." 84-3-301, and amendments thereto.
- "Presentment." 84-3-504, and amendments thereto.
- "Promise." 84-3-103, and amendments thereto.
- "Prove." 84-3-103

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and amendments thereto.

"Teller's check." 84-3-104,

and amendments thereto.

"Unauthorized signature." 84-3-403,

and amendments thereto.

(d) In addition, article 1 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, contains general definitions and principles of construction and interpretation applicable throughout this article.

History: L. 1965, ch. 564, § 204; L. 1991, ch. 296, § 74; L. 1996, ch. 202, § 81; L. 2007, ch. 89, § 42; L. 2007, ch. 195, § 50; July 1, 2008.

Revisor's Note:

Section was also amended by L. 2007, ch. 90, § 62, but that version was repealed by L. 2007, ch. 195, § 60.