

2012 Kansas Statutes

84-7-403. Obligation of bailee to deliver; excuse. (a) A bailee shall deliver the goods to a person entitled under a document of title if the person complies with subsections (b) and (c), unless and to the extent that the bailee establishes any of the following:

- (1) Delivery of the goods to a person whose receipt was rightful as against the claimant;
 - (2) damage to or delay, loss, or destruction of the goods for which the bailee is not liable;
 - (3) previous sale or other disposition of the goods in lawful enforcement of a lien or on a warehouse's lawful termination of storage;
 - (4) the exercise by a seller of its right to stop delivery pursuant to K.S.A. 84-2-705, and amendments thereto, or by a lessor of its right to stop delivery pursuant to K.S.A. 84-2a-526, and amendments thereto;
 - (5) a diversion, reconsignment, or other disposition pursuant to K.S.A. 2012 Supp. 84-7-303, and amendments thereto;
 - (6) release, satisfaction, or any other personal defense against the claimant; or
 - (7) any other lawful excuse.
- (b) A person claiming goods covered by a document of title shall satisfy the bailee's lien if the bailee so requests or if the bailee is prohibited by law from delivering the goods until the charges are paid.
- (c) Unless a person claiming the goods is a person against which the document of title does not confer a right under K.S.A. 2012 Supp. 84-7-503(a), and amendments thereto:
- (1) The person claiming under a document shall surrender possession or control of any outstanding negotiable document covering the goods for cancellation or indication of partial deliveries; and
 - (2) the bailee shall cancel the document or conspicuously indicate in the document the partial delivery or the bailee is liable to any person to which the document is duly negotiated.

History: L. 2007, ch. 90, § 28; July 1, 2008.

Revisor's Note:

Former section 84-7-403 repealed by L. 2007, ch. 90, § 78 and the number reassigned to the current text.