

355.5-103 Scope.

- (1) This article applies to letters of credit and to certain rights and obligations arising out of transactions involving letters of credit.
- (2) The statement of a rule in this article does not by itself require, imply, or negate application of the same or a different rule to a situation not provided for, or to a person not specified, in this article.
- (3) With the exception of this subsection, subsections (1) and (4) of this section, KRS 355.5-102(1)(i) and (j), 355.5-106(4), and 355.5-114(4), and except to the extent prohibited in KRS 355.1-302 and 355.5-117(4), the effect of this article may be varied by agreement or by a provision stated or incorporated by reference in an undertaking. A term in an agreement or undertaking generally excusing liability or generally limiting remedies for failure to perform obligations is not sufficient to vary obligations prescribed by this article.
- (4) Rights and obligations of an issuer to a beneficiary or a nominated person under a letter of credit are independent of the existence, performance, or nonperformance of a contract or arrangement out of which the letter of credit arises or which underlies it, including contracts or arrangements between the issuer and the applicant and between the applicant and the beneficiary.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 242, sec. 55, effective July 12, 2006. -- Amended 2001 Ky. Acts ch. 119, sec. 14, effective July 1, 2001. -- Repealed and reenacted 2000 Ky. Acts ch. 408, sec. 3, effective July 1, 2001. -- Amended 1996 Ky. Acts ch. 130, sec. 112, effective January 1, 1997. -- Created 1958 Ky. Acts ch. 77, sec. 5-103, effective July 1, 1960.