

**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. 2014 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. 2014 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Former section 84-7-403 repealed by L. 2007, ch. 90, § 78 and the number reassigned to the current text.