

TITLE 5: UNIFORM COMMERCIAL CODE  
DIVISION 4: BANK DEPOSITS AND COLLECTIONS

**§ 4104. Definitions and Index of Definitions.**

(1) In this division unless the context otherwise requires:

(a) “Account” means any account with a bank and includes a checking, time, interest or savings account;

(b) “Afternoon” means the period of a day between noon and midnight;

(c) “Banking day” means that part of any day on which a bank is open to the public for carrying on substantially all of its banking functions;

(d) “Clearing house” means any association of banks or other payors regularly clearing items;

(e) “Customer” means any person having an account with a bank or for whom a bank has agreed to collect items and includes a bank carrying an account with another bank;

(f) “Documentary draft” means any negotiable or non-negotiable draft with accompanying documents, securities or other papers to be delivered against honor of the draft;

(g) “Item” means any instrument for the payment of money even though it is not negotiable but does not include money;

(h) “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;

(i) “Properly payable” includes the availability of funds for payment at the time of decision to pay or dishonor;

(j) “Settle” means to pay in cash, by clearing house settlement, in a charge or credit or by remittance, or otherwise as instructed. A settlement may be either provisional or final;

(k) “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.

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

“Collecting bank.” 5 CMC § 4105.

“Depository bank.” 5 CMC § 4105.

“Intermediary bank.” 5 CMC § 4105.

“Payor bank.” 5 CMC § 4105.

“Presenting bank.” 5 CMC § 4105.

“Remitting bank.” 5 CMC § 4105.

(3) The following definitions in other divisions apply to this division:

“Acceptance.” 5 CMC § 3410.

“Certificate of deposit.” 5 CMC § 3104.

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“Certification.” 5 CMC § 3411.

“Check.” 5 CMC § 3104.

“Draft.” 5 CMC § 3104.

“Holder in due course.” 5 CMC § 3302.

“Notice of dishonor.” 5 CMC § 3508.

“Presentment.” 5 CMC § 3504.

“Protest.” 5 CMC § 3509.

“Secondary party.” 5 CMC § 3102.

(4) In addition division 1 of this title [5 CMC § 1101 et seq.] contains general definitions and principles of construction and interpretation applicable throughout this division.

**Source:** PL 3-56, § 1 (§ 4104).