

PART 1—SHORT TITLE, GENERAL CONSTRUCTION AND SUBJECT MATTER

§ 28:2—101. Short title

This article shall be known and may be cited as Uniform Commercial Code—Sales.

§ 28:2—102. Scope; certain security and other transactions excluded from this article

Unless the context otherwise requires, this article applies to transactions in goods; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this article impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.

§ 28:2—103. Definitions and index of definitions

- (1) In this article unless the context otherwise requires
 - (a) "Buyer" means a person who buys or contracts to buy goods.
 - (b) "Good faith" in the case of a merchant means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.
 - (c) "Receipt" of goods means taking physical possession of them.
 - (d) "Seller" means a person who sells or contracts to sell goods.
- (2) Other definitions applying to this article or to specified parts thereof, and the sections in which they appear are:
 - "Acceptance". Section 28:2—606.
 - "Banker's credit". Section 28:2—325.
 - "Between merchants". Section 28:2—104.
 - "Cancellation". Section 28:2—106(4).
 - "Commercial unit". Section 28:2—105.
 - "Confirmed credit". Section 28:2—325.
 - "Conforming to contract". Section 28:2—106.
 - "Contract for sale". Section 28:2—106.
 - "Cover". Section 28:2—712.
 - "Entrusting". Section 28:2—403.
 - "Financing agency". Section 28:2—104.
 - "Future goods". Section 28:2—105.
 - "Goods". Section 28:2—105.
 - "Identification". Section 28:2—501.
 - "Installment contract". Section 28:2—612.
 - "Letter of Credit". Section 28: 2—325.
 - "Lot". Section 28: 2—105.
 - "Merchant". Section 28: 2—104.
 - "Overseas". Section 28: 2—323.
 - "Person in position of seller". Section 28: 2—707.
 - "Present sale". Section 28: 2—106.
 - "Sale". Section 28: 2—106.
 - "Sale on approval". Section 28: 2—326.
 - "Sale or return". Section 28: 2—326.
 - "Termination". Section 28: 2—106.
- (3) The following definitions in other articles apply to this article:
 - "Check". Section 28: 3—104.
 - "Consignee". Section 28: 7—102.
 - "Consignor". Section 28: 7—102.
 - "Consumer goods". Section 28: 9—109.
 - "Dishonor". Section 28: 3—507.
 - "Draft". Section 28: 3—104.
- (4) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

§ 28:2—104. Definitions: "merchant"; "between merchants"; "financing agency"

- (1) "Merchant" means a person who deals in goods of the kind or otherwise by his occupation holds himself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his employment of an agent or broker or other intermediary who by his occupation holds himself out as having such knowledge or skill.
- (2) "Financing agency" means a bank, finance company or other person who in the ordinary course of business makes advances against goods or documents of title or who by arrangement with either the seller or the buyer intervenes in