

- "Presentment". Section 28:3—504.
- "Protest". Section 28:3—509.
- "Restrictive Indorsement". Section 28:3—205.
- "Signature". Section 28:3—401.

(3) The following definitions in other articles apply to this article:

- "Account". Section 28:4—104.
- "Banking day". Section 28:4—104.
- "Clearing house". Section 28:4—104.
- "Collecting bank". Section 28:4—105.
- "Customer". Section 28:4—104.
- "Depository bank". Section 28:4—105.
- "Documentary draft". Section 28:4—104.
- "Intermediary bank". Section 28:4—105.
- "Item". Section 28:4—104.
- "Midnight deadline". Section 28:4—104.
- "Payor bank". Section 28:4—105.

(4) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

§ 28:3—103. Limitations on scope of article

(1) This article does not apply to money, documents of title or investment securities.

(2) The provisions of this article are subject to the provisions of the article on bank deposits and collections (article 4) and secured transactions (article 9).

§ 28:3—104. Form of negotiable instruments; "draft"; "check"; "certificate of deposit"; "note"

- (1) Any writing to be a negotiable instrument within this article must
 - (a) be signed by the maker or drawer; and
 - (b) contain an unconditional promise or order to pay a sum certain in money and no other promise, order, obligation or power given by the maker or drawer except as authorized by this article; and
 - (c) be payable on demand or at a definite time; and
 - (d) be payable to order or to bearer.
- (2) A writing which complies with the requirements of this section is
 - (a) a "draft" ("bill of exchange") if it is an order;
 - (b) a "check" if it is a draft drawn on a bank and payable on demand;
 - (c) a "certificate of deposit" if it is an acknowledgment by a bank of receipt of money with an engagement to repay it;
 - (d) a "note" if it is a promise other than a certificate of deposit.
- (3) As used in other articles of this subtitle, and as the context may require, the terms "draft", "check", "certificate of deposit" and "note" may refer to instruments which are not negotiable within this article as well as to instruments which are so negotiable.

§ 28:3—105. When promise or order unconditional

- (1) A promise or order otherwise unconditional is not made conditional by the fact that the instrument
 - (a) is subject to implied or constructive conditions; or
 - (b) states its consideration, whether performed or promised, or the transaction which gave rise to the instrument, or that the promise or order is made or the instrument matures in accordance with or "as per" such transaction; or
 - (c) refers to or states that it arises out of a separate agreement or refers to a separate agreement for rights as to prepayment or acceleration; or
 - (d) states that it is drawn under a letter of credit; or
 - (e) states that it is secured, whether by mortgage, reservation of title or otherwise; or
 - (f) indicates a particular account to be debited or any other fund or source from which reimbursement is expected; or
 - (g) is limited to payment out of a particular fund or the proceeds of a particular source, if the instrument is issued by a government or governmental agency or unit; or
 - (h) is limited to payment out of the entire assets of a partnership, unincorporated association, trust or estate by or on behalf of which the instrument is issued.