

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1151

4
5 By: Representative Creekmore
6 By: Senator Broadway

For An Act To Be Entitled

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9
10 AN ACT TO AMEND ARKANSAS' HOT CHECK LAW TO ALLOW
11 NOTICE THAT FUNDS ARE INSUFFICIENT TO BE SENT BY
12 THE ADDITIONAL METHOD OF AN AFFIDAVIT OF MAILING;
13 AND FOR OTHER PURPOSES.

Subtitle

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16 AN ACT TO AMEND ARKANSAS' HOT CHECK LAW
17 TO ALLOW NOTICE THAT FUNDS ARE
18 INSUFFICIENT TO BE SENT BY THE
19 ADDITIONAL METHOD OF AN AFFIDAVIT OF
20 MAILING.

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22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code § 5-37-303 is amended to read as follows:
26 5-37-303. Notice.

27 (a) For purposes of this section and § 5-37-304, notice that payment
28 was refused by the drawee for lack of funds shall be sent by certified ~~or~~
29 mail, or registered mail, evidenced by return receipt, or by an affidavit of
30 mailing, to the address printed on the instrument or given at the time of
31 issuance, or to the current residence.

32 (b)(1) The form of the notice shall be substantially as follows:

33 "You are hereby notified that the check(s) or instrument(s) listed below
34 (has) (have) been dishonored. Pursuant to Arkansas law, you have ten (10)
35 days from receipt of this notice to tender payment of the total amount of the
36 check(s) or instrument(s), plus the applicable service charge(s) of \$_____



1 _____ (not to exceed \$25.00 per check), plus the amount
2 of any fees charged by any financial institution as a result of the check's
3 not being honored, the total amount due being \$_____
4 _____. Unless this amount is paid in full within the time specified
5 above, the dishonored check(s) or instrument(s) and all other available
6 information relating to this incident may be turned over to the prosecuting
7 attorney for criminal prosecution.

8
9 CHECK NO. CHECK DATE CHECK AMOUNT NAME OF BANK

10 _____
11 _____
12 _____
13 _____
14 _____
15 _____"

16 (2) If notice is sent by an affidavit of mailing, the affidavit
17 of mailing shall contain a copy of the notice and shall substantially state:
18 "Affidavit of Mailing

19 I am over the age of eighteen (18) years and on _____
20 (date), I mailed notice of insufficient funds under Arkansas Code § 5-37-303
21 to the addressee set forth below in an official depository under the
22 exclusive care and custody of the United States Postal Service in
23 _____ (city, county, state), addressed as follows:

24 _____
25 _____
26 (name and address of addressee).

27 _____
28 _____ (Signature)

29 _____ (Date)

30 _____
31 (Notary)

32 _____"

33 (c) Any party holding a dishonored check or instrument and giving
34 notice in substantially similar form to that provided in subsection (b) of
35 this section and in the manner provided in subsection (a) of this section
36 shall be immune from civil liability and criminal liability if sent in good

1 faith for the giving of the notice and for proceeding under the forms of the
2 notice.

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