

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
4

As Engrossed: H1/28/03

A Bill

HOUSE BILL 1151

5 By: Representative Creekmore
6 By: Senator Broadway
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For An Act To Be Entitled

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

15 AN ACT TO AMEND ARKANSAS' HOT CHECK LAW
16 TO ALLOW NOTICE THAT FUNDS ARE
17 INSUFFICIENT TO BE SENT BY THE
18 ADDITIONAL METHOD OF AN AFFIDAVIT OF
19 MAILING.
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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 regular mail
30 supported by an affidavit of mailing, to the address printed on the
31 instrument or given at the time of 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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/s/ Creekmore