

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 214

Short Title: Amend Bad Check Fee.

(Public)

Sponsors: Representative Bowman.

Referred to: Judiciary I.

March 6, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTE THAT AUTHORIZES A PROCESSING FEE FOR BAD CHECKS TO PERMIT THE FEE TO BE BASED ON A PERCENTAGE OF THE AMOUNT ON THE FACE OF THE CHECK.

The General Assembly of North Carolina enacts:

Section 1. G.S. 25-3-512 reads as rewritten:

"§ 25-3-512. Collection of processing fee for returned checks.

A processing fee, not to exceed fifteen dollars ~~(\$15.00)~~, (\$15.00) or fifteen percent (15%) of the amount on the face of the check, whichever is greater, may be charged and collected for checks on which payment has been refused by the payor bank because of insufficient funds or because the drawer did not have an account at that bank if at the time the consumer presented the check to the person, a sign:

- (1) Was conspicuously posted on or in the immediate vicinity of the cash register;
- (2) Was in plain view of anyone paying for goods or services by check;
- (3) Was no smaller than 8 by 11 inches; and
- (4) Stated the amount of the fee that would be charged for returned checks.

When the drawer sends a check by mail for payment of a debt and the check is dishonored and returned, the processing fee may be collected if the drawer was given prior written notice that a fee would be charged for returned checks. Any document that clearly and conspicuously states the amount of the fee that will be charged for returned checks and is delivered to the drawer or his agent, or is mailed first-class mail to the

1 drawer at his last known address as part of any document requesting payment of a debt
2 satisfies this notice requirement for that payment only.

3 If a collection agency collects or seeks to collect on behalf of its principal a
4 processing fee as specified in this section in addition to the sum payable of a check, the
5 amount of such processing fee must be separately stated on the collection notice. The
6 collection agency shall not collect or seek to collect from the drawer any sum other than
7 the actual amount of the returned check and the specified processing fee."

8 Sec. 2. This act becomes effective October 1, 1991, and applies to checks
9 written on or after that date.