

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-24-81

Time \_\_\_\_\_

MO: 641  
179

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1981



**ENROLLED**

SENATE BILL NO. 641

*Originating in the  
~~House~~ Committee on Finance*



PASSED April 6, 1981

In Effect ninety days from Passage



# ENROLLED

## Senate Bill No. 641

(Originating in the Committee on Finance)

[Passed April 6, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section thirty-nine-e, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the service charge for dishonored checks.

*Be it enacted by the Legislature of West Virginia:*

That section thirty-nine-e, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

### **ARTICLE 3. CRIMES AGAINST PROPERTY.**

#### **§61-3-39e. Notice of dishonor by payee; service charge.**

1 The payee or holder of a check, draft or order which has  
2 been dishonored because of insufficient funds or credit  
3 may send notice thereof to the drawer of the check, draft  
4 or order. The payee or holder of any such dishonored  
5 check may impose a service charge not to exceed ten  
6 dollars. No service charge shall be imposed or collected  
7 after a complaint for warrant has been delivered to  
8 magistrate court. No payee or holder of a check, draft or  
9 order which has been dishonored because of insufficient  
10 funds or credit shall incur any civil or criminal liability  
11 for the sending of a notice substantially in the form  
12 provided herein, other provisions of law notwithstanding.  
13 The form of such notice shall be substantially as fol-  
14 lows:

15 "You are hereby notified that a check, number \_\_\_\_\_,  
16 issued by you on (date of check), drawn upon (name  
17 of bank), and payable to \_\_\_\_\_, has been dis-

18 honored. Pursuant to West Virginia law, you have ten  
19 days from the date of this notice to tender payment of  
20 the full amount of such check plus a ten dollar service  
21 charge to the undersigned at ..... You are  
22 further notified that in the event the above amount is  
23 timely paid in full you will not be subject to legal  
24 proceedings, civil or criminal.

25 Dated ....., 19.....

26 ..... (Signed) .”

27 The provisions of this section shall not authorize the  
28 making of any other written or oral threats of prosecu-  
29 tion to enforce or enhance the collection or honoring of  
30 said dishonored check, draft or order.

31 The holder or payee of any such check, draft or note  
32 shall relinquish the check, draft or order to the maker  
33 upon tender of the full amount due at any time before  
34 a complaint for warrant has been presented to magis-  
35 trate court. In the event complaint for warrant has  
36 been presented to magistrate court, payment may be  
37 made only through such court and any holder or payee  
38 unlawfully accepting payment after such time shall be  
39 liable for all costs which may be imposed by magistrate  
40 court in the matter, including all costs which may have  
41 accrued by the time the magistrate court is notified of  
42 such payment.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Signature]*  
Chairman Senate Committee

*[Signature]*  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

*[Signature]*  
Clerk of the Senate

*[Signature]*  
Clerk of the House of Delegates

*[Signature]*  
President of the Senate

*[Signature]*  
Speaker House of Delegates

The within in approved this the 24  
day of April 1981.

*[Signature]*  
Governor



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