
HOUSE BILL 2609

State of Washington 56th Legislature 2000 Regular Session

By Representatives Carrell, Constantine, Mulliken and G. Chandler

Read first time 01/18/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to notices of dishonored checks; and amending RCW
2 62A.3-515 and 62A.3-522.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 62A.3-515 and 1995 c 187 s 1 are each amended to read
5 as follows:

6 (a) If a check as defined in RCW 62A.3-104 is dishonored by
7 nonacceptance or nonpayment, the payee or holder of the check is
8 entitled to collect a reasonable handling fee for each instrument. If
9 the check is not paid within fifteen days and after the holder of the
10 check sends a notice of dishonor as provided by RCW 62A.3-520 to the
11 drawer at the drawer's last known address, and if the instrument does
12 not provide for the payment of interest or collection costs and
13 attorneys' fees, the drawer of the instrument is liable for payment of
14 interest at the rate of twelve percent per annum from the date of
15 dishonor, and cost of collection not to exceed forty dollars or the
16 face amount of the check, whichever is less. In addition, in the event
17 of court action on the check, the court, after notice and the
18 expiration of the fifteen days, shall award reasonable attorneys' fees,
19 and three times the face amount of the check or three hundred dollars,

1 whichever is less, as part of the damages payable to the (~~holder of~~
2 ~~the check~~) plaintiff. This section does not apply to an instrument
3 that is dishonored by reason of a justifiable stop payment order. Any
4 right or remedy available to a payee or holder is transferable to any
5 agent, assignee, or endorsee of the payee or holder.

6 (b)(1) Subsequent to the commencement of an action on the check
7 (subsection (a)) but prior to the hearing, the defendant may tender to
8 the plaintiff as satisfaction of the claim, an amount of money equal to
9 the face amount of the check, a reasonable handling fee, accrued
10 interest, collection costs equal to the face amount of the check not to
11 exceed forty dollars, and the incurred court costs, service costs, and
12 statutory attorneys' fees.

13 (2) Nothing in this section precludes the right to commence action
14 in a court under chapter 12.40 RCW for small claims.

15 **Sec. 2.** RCW 62A.3-522 and 1993 c 229 s 69 are each amended to read
16 as follows:

17 In addition to sending a notice of dishonor to the drawer of the
18 check under RCW 62A.3-520, the (~~holder of the check~~) person sending
19 notice shall execute an affidavit certifying service of the notice by
20 mail. The affidavit of service by mail must be attached to a copy of
21 the notice of dishonor and must be substantially in the following form:

22 AFFIDAVIT OF SERVICE BY MAIL

23 I,, hereby certify that on the day of
24, (~~19~~) 20., a copy of the foregoing Notice was served
25 on by mailing via the United States Postal Service, postage
26 prepaid, at, Washington.

27 Dated:
28 (Signature)

29 The holder, or any agent, assignee, or endorsee thereof shall
30 retain the affidavit with the check but shall file a copy of the
31 affidavit with the clerk of the court in which an action on the check
32 is commenced.

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