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SENATE BILL 6178

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State of Washington

55th Legislature

1998 Regular Session

By Senator Swecker

Read first time 01/12/98. Referred to Committee on Financial Institutions, Insurance & Housing.

1 AN ACT Relating to dishonored checks; amending RCW 9A.56.060;  
2 adding new sections to chapter 30.16 RCW; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.56.060 and 1982 c 138 s 1 are each amended to read  
5 as follows:

6 (1) Any person who shall with intent to defraud, make, or draw, or  
7 utter, or deliver to another person any check, or draft, on a bank or  
8 other depository for the payment of money, knowing at the time of such  
9 drawing, or delivery, that he or she has not sufficient funds in, or  
10 credit with said bank or other depository, to meet said check or draft,  
11 in full upon its presentation, shall be guilty of unlawful issuance of  
12 bank check. The word "credit" as used herein shall be construed to  
13 mean an arrangement or understanding with the bank or other depository  
14 for the payment of such check or draft, and the uttering or delivery of  
15 such a check or draft to another person without such fund or credit to  
16 meet the same shall be prima facie evidence of an intent to defraud.

17 (2) Any person who shall with intent to defraud, make, or draw, or  
18 utter, or deliver to another person any check, or draft on a bank or  
19 other depository for the payment of money and who issues a stop-payment

1 order directing the bank or depository on which the check is drawn not  
2 to honor said check, and who fails to make payment of money in the  
3 amount of the check or draft or otherwise arrange a settlement agreed  
4 upon by the holder of the check within twenty days of issuing said  
5 check or draft shall be guilty of unlawful issuance of a bank check.

6 (3) Any person who shall with intent to defraud, make, or draw, or  
7 utter, or deliver to another person any check, or draft, on a bank or  
8 other depository for the payment of money, knowing at the time of such  
9 drawing, or delivery, that his or her account with the bank or other  
10 depository has been closed, shall be guilty of unlawful issuance of  
11 bank check.

12 (4) When any series of transactions which constitute unlawful  
13 issuance of a bank check would, when considered separately, constitute  
14 unlawful issuance of a bank check in an amount of two hundred fifty  
15 dollars or less because of value, and the series of transactions are a  
16 part of a common scheme or plan, the transactions may be aggregated in  
17 one count and the sum of the value of all of the transactions shall be  
18 the value considered in determining whether the unlawful issuance of a  
19 bank check is to be punished as a class C felony or a gross  
20 misdemeanor.

21 ~~((+4))~~ (5) Unlawful issuance of a bank check in an amount greater  
22 than two hundred fifty dollars is a class C felony.

23 ~~((+5))~~ (6) Unlawful issuance of a bank check in an amount of two  
24 hundred fifty dollars or less is a gross misdemeanor and shall be  
25 punished as follows:

26 (a) The court shall order the defendant to make full restitution;

27 (b) The defendant need not be imprisoned, but the court shall  
28 impose a minimum fine of five hundred dollars. Of the fine imposed, at  
29 least fifty dollars shall not be suspended or deferred. Upon  
30 conviction for a second offense within any twelve-month period, the  
31 court may suspend or defer only that portion of the fine which is in  
32 excess of five hundred dollars.

33 NEW SECTION. Sec. 2. A new section is added to chapter 30.16 RCW  
34 to read as follows:

35 A paying bank shall clearly write or stamp on the face of a  
36 returned check, as defined in RCW 62A.3-104, that it is a returned  
37 check and the reason for return.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 30.16 RCW  
2 to read as follows:

3        When payment is made for goods and services by a check, as defined  
4 in RCW 62A.3-104, and the check is dishonored by nonacceptance or  
5 nonpayment, the payee of the check is not obligated to pay any bank  
6 fees or other charges for services related to nonacceptance or  
7 nonpayment because of dishonor. Any fees or other charges for services  
8 because of dishonor by nonacceptance or nonpayment shall be paid by the  
9 drawer of the check.

10       NEW SECTION.    **Sec. 4.**    A new section is added to chapter 30.16 RCW  
11 to read as follows:

12       When payment is made for goods and services by check, as defined in  
13 RCW 62A.3-104, and the check is dishonored by nonacceptance or  
14 nonpayment, the payor bank designated on the check shall close the  
15 drawer's account until all fees or other charges for services related  
16 to nonacceptance or nonpayment because of dishonor are paid to the  
17 payor bank, other banks, and to the payee. Notice of account closure  
18 shall be sent to the drawer of the check at the drawer's last known  
19 address or to the address designated on the check.

20       NEW SECTION.    **Sec. 5.**    If any provision of this act or its  
21 application to any person or circumstance is held invalid, the  
22 remainder of the act or the application of the provision to other  
23 persons or circumstances is not affected.

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