

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 2609**

56th Legislature  
2000 Regular Session

Passed by the House March 6, 2000  
Yeas 98 Nays 0

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Passed by the Senate March 3, 2000  
Yeas 45 Nays 0

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**President of the Senate**

Approved

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2609** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 2609

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Passed Legislature - 2000 Regular Session

AS AMENDED BY THE SENATE

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; amending RCW  
2 62A.3-515, 62A.3-522, and 62A.3-525; and adding a new section to  
3 chapter 26.23 RCW.

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

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

7            (a) If a check as defined in RCW 62A.3-104 is dishonored by  
8 nonacceptance or nonpayment, the payee or ~~((holder of the check is~~  
9 ~~entitled to))~~ person entitled to enforce the check under RCW 62A.3-301  
10 may collect a reasonable handling fee for each instrument. If the  
11 check is not paid within fifteen days and after the ~~((holder of the~~  
12 ~~check))~~ person entitled to enforce the check or the person's agent  
13 sends a notice of dishonor as provided by RCW 62A.3-520 to the drawer  
14 at the drawer's last known address, and if the instrument does not  
15 provide for the payment of interest or collection costs and attorneys'  
16 fees, the drawer of the instrument is liable for payment of interest at  
17 the rate of twelve percent per annum from the date of dishonor, and  
18 cost of collection not to exceed forty dollars or the face amount of  
19 the check, whichever is less, payable to the person entitled to enforce

1 the check. In addition, in the event of court action on the check, the  
2 court, after notice and the expiration of the fifteen days, shall award  
3 reasonable attorneys' fees, and three times the face amount of the  
4 check or three hundred dollars, whichever is less, as part of the  
5 damages payable to the ~~((holder of))~~ person enforcing the check. This  
6 section does not apply to an instrument that is dishonored by reason of  
7 a justifiable stop payment order.

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

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

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

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

24 AFFIDAVIT OF SERVICE BY MAIL

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

29 Dated: . . . . .

30 (Signature)

31 The ~~((holder))~~ person enforcing the check shall retain the  
32 affidavit with the check but shall file a copy of the affidavit with  
33 the clerk of the court in which an action on the check is commenced.

34 **Sec. 3.** RCW 62A.3-525 and 1993 c 229 s 70 are each amended to read  
35 as follows:

1 No interest, collection costs, and attorneys' fees, except handling  
2 fees, are recoverable on any dishonored check under the provisions of  
3 RCW 62A.3-515 where (~~the holder of the check or~~) a person entitled to  
4 such recovery or any agent, employee, or assign (~~of the holder~~) has  
5 demanded:

6 (1) Interest or collection costs in excess of that provided by RCW  
7 62A.3-515; or

8 (2) Interest or collection costs prior to the expiration of fifteen  
9 days after the mailing of notice of dishonor, as provided by RCW 62A.3-  
10 515 and 62A.3-520; or

11 (3) Attorneys' fees either without having the fees set by the  
12 court, or prior to the expiration of fifteen days after the mailing of  
13 notice of dishonor, as provided by RCW 62A.3-515 and 62A.3-520.

14 NEW SECTION. Sec. 4. A new section is added to chapter 26.23 RCW  
15 to read as follows:

16 For any payment made by a check as defined in RCW 62A.3-104, if the  
17 instrument is dishonored under RCW 62A.3-515, the costs and fees  
18 authorized under RCW 62A.3-515 apply. The department may establish  
19 procedures and adopt rules to enforce this section.

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