

Offered: 5/3/84
Referred: Rules

Original sponsors: Ray and Kerttula

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 360 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to checking accounts."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 * Section 1. AS 09.65 is amended by adding a new section to read:
9 Sec. 09.65.115. BAD CHECK CIVIL PENALTIES. (a) In an action
10 against a person who issues a check that is dishonored, the plaintiff
11 may recover damages in an amount equal to \$100 or triple the amount of
12 the check, whichever is greater, except that damages recovered under
13 this section may not exceed the amount of the check by more than
14 \$1,000 and may be awarded only if
15 (1) the plaintiff makes a written demand for payment of the
16 check at least 15 days before beginning the action; and
17 (2) the defendant fails to tender, before the action
18 begins, an amount equal to at least the amount of the check plus costs
19 incurred by the plaintiff up to a maximum of \$25.
20 (b) An action under this section may be brought as a small
21 claims action if the amount claimed does not exceed the jurisdictional
22 limits for small claims actions, or may be brought in any other court
23 that has jurisdiction.
24 (c) After the beginning of an action under this section but
25 before the case is tried, the defendant may satisfy the claim by
26 tendering an amount of money equal to the amount of the check plus
27 court, legal, and service costs incurred by the plaintiff up to a
28 maximum of \$150.
29 (d) In this section

- 1 (1) "check" has the meaning given in AS 11.46.280;
- 2 (2) "dishonored" means the nonpayment of a check because of
- 3 (A) lack of funds;
- 4 (B) closure or nonexistence of an account; or
- 5 (C) a stop payment order issued without cause;
- 6 (3) "written demand" means a written notice to the issuer
- 7 of a check personally delivered or sent by first class mail to the
- 8 address shown on the dishonored check, advising the issuer that the
- 9 check has been dishonored and explaining the civil penalties set out
- 10 in this section.