

Emergency
clause.

Section 2. An emergency is hereby declared to exist and following its passage and approval this ACT shall be in full force and effect as of April 1, 1951.

Approved March 23, 1951.

CHAPTER 79

AN ACT

[S. B. 51]

Amending Sec. 65-5-48 ACLA 1949 pertaining to the issuance of checks without funds or credit; defining credit; providing penalties for violation; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That Sec. 65-5-48 ACLA 1949 is hereby amended to read as follows:

Sec. 65-5-48. Issuing checks without funds or credit: "Credit" defined: Evidence: Providing Penalties for violation.

(a) Any person who shall make, or draw, or utter, or deliver any check, draft or order, for payment of money, upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivering, that the maker, or drawer, has not sufficient funds in, or credit with, such bank or other depository for the payment of such check, draft, or order in full, upon its presentation, and without fully informing the payee of such check, draft or order, or the person to whom it is delivered, at

Drawing
check
when no
funds
in bank.

the time of the making, uttering, drawing or delivery of the same, that the person so making, drawing, uttering or delivering such check, draft, or order has not sufficient funds in or credit with such bank or other depository for the payment of such check, draft or order, in full, upon presentation, or, any person who, having such funds or credits at the time of making, drawing, uttering or delivering such check, draft or order sufficient for the payment of the same, has knowingly drawn, made, uttered or delivered other checks, drafts or orders which, if presented in due course, would have exhausted such funds or credits, or knowing at the time of the making, uttering, issuing or delivery of such check, draft or order, that for other reasons such funds or credits would be exhausted by the time such check, draft or order would be presented, or any person who shall knowingly, after drawing, making, uttering or delivering such check, draft or order, by any means, exhaust the funds or credits upon which such check, draft or order is drawn before it is presented for payment, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

(b) As against the maker or drawer thereof, the making, drawing, uttering, or delivering of a check, draft, or order, payment of which is refused by the drawee, shall be prima facie evidence of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon.

Not informing
payee of
insufficient
funds.

Penalty.

Two day
limit.

together with all cost and protest fees, within two days after receiving notice that such check, draft or order has not been paid by the drawee.

Credit
defined.

(c) The word "credit" as used in the two preceding paragraphs shall be construed to mean an arrangement or understanding with the bank or depository, for the payment of such check, draft or order.

Larceny.

(d) Any person who shall with intent to defraud make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, or credit with said bank or depository, to meet said check or draft, in full upon its presentation, shall be guilty of larceny. If the value of the consideration given for said check or draft be fifty dollars or less, he shall be punished by imprisonment in jail for not less than one month nor more than one year or by fine not less than twenty-five nor more than one hundred dollars; and if the value of the consideration given for said check or draft be more than fifty dollars, he shall be punished by imprisonment in the penitentiary not less than one nor more than ten years. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank for payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

Penalty.

Section 2. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval. ^{Emergency clause.}

Approved March 23, 1951.

CHAPTER 80

AN ACT

[S. B. 37]

To amend Sec. 48-5-2 ACLA 1949, pertaining to the Motor Fuel Oil Tax; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That Sec. 48-5-2 ACLA 1949 is hereby amended to read as follows:

Sec. 48-5-2. Tax levy on transfers or consumption of motor fuel: Deposit and expenditure of monies collected: Collection at time of sale: Remission to Tax Commissioner: State-ment.

(a) There is hereby levied a tax of two cents (2¢) per gallon on all motor fuel sold and delivered, or otherwise transferred, within the Territory of Alaska.

Tax rate.

(b) There is hereby levied a tax of two cents (2¢) per gallon on all motor fuel consumed by any user as above set forth.