



LAWS OF ALASKA

1984

Source

CSSB 360(Jud)

Chapter No.

113

AN ACT

Relating to checking accounts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 8

Approved by the Governor: June 20, 1984
Actual Effective Date: September 18, 1984

AN ACT

Relating to checking accounts.

* Section 1. AS 09.65 is amended by adding a new section to read:

Sec. 09.65.115. BAD CHECK CIVIL PENALTIES. (a) In an action against a person who issues a check that is dishonored, the plaintiff may recover damages in an amount equal to \$100 or triple the amount of the check, whichever is greater, except that damages recovered under this section may not exceed the amount of the check by more than \$1,000 and may be awarded only if

(1) the plaintiff makes a written demand for payment of the check at least 15 days before beginning the action; and

(2) the defendant fails to tender, before the action begins, an amount equal to at least the amount of the check plus costs incurred by the plaintiff up to a maximum of \$25.

(b) An action under this section may be brought as a small claims action if the amount claimed does not exceed the jurisdictional limits for small claims actions, or may be brought in any other court that has jurisdiction.

(c) After the beginning of an action under this section but before the case is tried, the defendant may satisfy the claim by tendering an amount of money equal to the amount of the check plus court, legal, and service costs incurred by the plaintiff up to a maximum of \$150.

(d) In this section

Chapter 113

- 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.

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