

No. 2000-50

AN ACT

HB 2287

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offense of bad checks and the action for charges.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 4105(e) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 4105. Bad checks.

* * *

(e) Costs.—Upon conviction under this section the sentence shall include an order for the issuer or passer to reimburse the payee or such other party as the circumstances may indicate for:

(1) The face amount of the check.

(2) Interest at the legal rate on the face amount of the check from the date of dishonor by the drawee.

(3) A service charge [not to exceed \$20] if written notice of the service charge was conspicuously displayed on the payee's premises when the check was issued. *The service charge shall not exceed \$20 unless the payee is charged fees in excess of \$20 by financial institutions as a result of such bad check or similar sight order for the payment of money. If the payee is charged fees in excess of \$20, then the service charge shall not exceed the actual amount of the fees.*

Section 2. Section 8304(b) of Title 42 is amended to read:

§ 8304. Damages in actions on bad checks.

* * *

(b) Limitation.—Damages recovered under this section may not exceed by more than \$500 the value of the check and shall be awarded only if:

(1) the payee made written demand of the issuer for payment of the amount of the check, *including interest and service charges authorized by 18 Pa.C.S. § 4105(e)*, not less than ten days before commencing the action; and

(2) the issuer failed to tender to the payee, prior to commencement of the action, an amount of money not less than the amount demanded.

* * *

Section 3. This act shall take effect in 60 days.

APPROVED—The 22nd day of June, A.D. 2000.

THOMAS J. RIDGE