

---

HOUSE BILL 1771

---

State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Hickel, Basich, Padden, Kremen, Chappell and Carrell

Read first time 02/08/95. Referred to Committee on Law & Justice.

1            AN ACT Relating to dishonored checks; amending RCW 62A.3-515; and  
2            prescribing penalties.

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

4            **Sec. 1.** RCW 62A.3-515 and 1993 c 229 s 67 are each amended to read  
5            as follows:

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

1 dollars, whichever is less, as part of the damages payable to the  
2 holder of the check. This section does not apply to an instrument that  
3 is dishonored by reason of a justifiable stop payment order.

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

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

--- END ---