
SUBSTITUTE SENATE BILL 5482

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Brown and McCaslin)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to reasonable attorneys' fees for dishonored
2 checks; and amending RCW 62A.3-515 and 62A.3-530.

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

4 **Sec. 1.** RCW 62A.3-515 and 2000 c 215 s 1 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 person entitled to enforce
8 the check under RCW 62A.3-301 may collect a reasonable handling fee for
9 each instrument. If the check is not paid within fifteen days and
10 after the person entitled to enforce the check or the person's agent
11 sends a notice of dishonor as provided by RCW 62A.3-520 to the drawer
12 at the drawer's last known address, and if the instrument does not
13 provide for the payment of interest or collection costs and attorneys'
14 fees, the drawer of the instrument is liable for payment of interest at
15 the rate of twelve percent per annum from the date of dishonor, and
16 cost of collection not to exceed forty dollars or the face amount of
17 the check, whichever is less, payable to the person entitled to enforce
18 the check. In addition, in the event of court action on the check, the
19 court, after notice and the expiration of the fifteen days, shall award

1 reasonable attorneys' fees, and three times the face amount of the
2 check or three hundred dollars, whichever is less, as part of the
3 damages payable to the person enforcing the check. This section does
4 not apply to an instrument that is dishonored by reason of a
5 justifiable stop payment order.

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

13 (2) If a plaintiff does not accept the amount tendered and the
14 plaintiff fails to recover at the court hearing more than the amount
15 tendered, then the plaintiff shall not be awarded the lesser of three
16 times the face amount of the check or three hundred dollars, nor
17 reasonable attorneys' fees.

18 (c) In any action where statutory attorneys' fees are tendered by
19 the defendant or awarded by the court, there need be only one statutory
20 fee tendered and there shall be only one statutory attorneys' fee
21 awarded regardless of the number of dishonored checks included in the
22 action.

23 (d) Nothing in this section precludes the right to commence action
24 in a court under chapter 12.40 RCW for small claims.

25 **Sec. 2.** RCW 62A.3-530 and 2005 c 277 s 3 are each amended to read
26 as follows:

27 (1) If a check as defined in RCW 62A.3-104 is dishonored by
28 nonacceptance or nonpayment and the check is assigned or written to a
29 collection agency as defined in RCW 19.16.100, the collection agency
30 may collect a reasonable handling fee for each instrument. If the
31 collection agency or its agent provides a notice of dishonor in the
32 form provided in RCW 62A.3-540 to the drawer and the check amount plus
33 the reasonable handling fee are not paid within thirty-three days after
34 providing the notice of dishonor, then, unless the instrument otherwise
35 provides, the drawer of the instrument is liable for payment of
36 interest at the rate of twelve percent per annum from the date of
37 dishonor, and a cost of collection of forty dollars or the face amount

1 of the check, whichever is less, payable to the collection agency. In
2 addition, in the event of court action on the check and after notice
3 and the expiration of the thirty-three days, the court shall award
4 reasonable attorneys' fees, and three times the face amount of the
5 check or three hundred dollars, whichever is less, as part of the
6 damages payable to the collection agency. This section does not apply
7 to an instrument that is dishonored by reason of a justifiable stop
8 payment order.

9 (2)(a) Subsequent to the commencement of an action on the check
10 under subsection (1) of this section but prior to the hearing, the
11 defendant may tender to the plaintiff as satisfaction of the claim, an
12 amount of money equal to the face amount of the check, a reasonable
13 handling fee, accrued interest, collection costs equal to the face
14 amount of the check not to exceed forty dollars, and the incurred court
15 costs, service costs, and statutory attorneys' fees.

16 (b) If a plaintiff does not accept the amount tendered and the
17 plaintiff fails to recover at the court hearing more than the amount
18 tendered, then the plaintiff shall not be awarded the lesser of three
19 times the face amount of the check or three hundred dollars, nor
20 reasonable attorneys' fees.

21 (3) In any action where statutory attorneys' fees are tendered by
22 the defendant or awarded by the court, there need be only one statutory
23 fee tendered and there shall be only one statutory attorneys' fee
24 awarded regardless of the number of dishonored checks included in the
25 action.

26 (4) Nothing in this section precludes the right to commence action
27 in a court under chapter 12.40 RCW for small claims.

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