

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 85

HOUSE BILL 2344

AN ACT

AMENDING SECTION 13-1808, ARIZONA REVISED STATUTES; RELATING TO BAD CHECKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-1808, Arizona Revised Statutes, is amended to
3 read:

4 13-1808. Presumptions relating to issuing a bad check; proof of
5 presentation; nonpayment; protest; notice

6 A. For THE purposes of this chapter, the issuer's knowledge of
7 insufficient funds may be presumed if either:

8 1. The issuer had no account or a closed account with the bank or
9 other drawee at the time the issuer issued the check.

10 2. Payment was refused by the bank or other drawee for lack of funds
11 on presentation within thirty days after issue and the issuer failed to pay
12 the holder in full the amount due on the check, together with reasonable
13 costs, within twelve days after receiving notice of that refusal.

14 B. If a person obtained property or secured performance of services
15 by issuing or passing a check when the issuer did not have sufficient funds
16 in or on deposit with the bank or other drawee for the payment in full of the
17 check as well as all other checks then outstanding, the person's intent to
18 deprive the owner of property or to avoid payment for service under section
19 13-1802 may be presumed if either:

20 1. The issuer had no account or a closed account with the bank or
21 other drawee at the time the issuer issued the check.

22 2. Payment was refused by the bank or other drawee for lack of funds
23 on presentation within thirty days after issue and the issuer failed to pay
24 the holder in full the amount due on the check, together with reasonable
25 costs, within twelve days after receiving notice of that refusal.

26 C. Nothing in this section prevents the prosecution from establishing
27 the requisite intent by direct evidence.

28 D. Notice may be actual notice or notice in writing, ~~THAT IS~~ sent by
29 registered OR CERTIFIED mail with, return receipt requested and, OR BY
30 REGULAR MAIL THAT IS SUPPORTED BY AN AFFIDAVIT OF SERVICE BY MAILING.
31 WRITTEN NOTICE SHALL BE addressed to the issuer at the issuer's address shown
32 on any of the following:

- 33 1. The check.
- 34 2. The records of the bank or other drawee.
- 35 3. The records of the person to whom the check is issued or passed.
- 36 E. The form of notice shall be substantially as follows:

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38 Notice of dishonored check

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40 Date: _____

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42 Name of issuer: _____

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44 Street address: _____

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City and state: _____

You are, according to law, hereby notified that a check or instrument numbered _____, dated _____, 19_____, drawn on _____ in the amount of _____

(bank or other drawee)

and payable to _____ has been dishonored.

Pursuant to Arizona law, you have twelve days from receipt of this notice to pay or tender to _____ the full amount (holder)

of the check or instrument, together with all reasonable costs and protest fees of _____, the total amount due being _____. Unless this amount is paid in full within the specified time above, the holder of the check or instrument may turn over the dishonored check or instrument and all other available information relating to this incident to the county attorney for criminal prosecution.

F. If written notice is given in accordance with this section, it is presumed that the notice was received no later than five days after it was sent.

APPROVED BY THE GOVERNOR APRIL 29, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2002.

Passed the House March 26, 2002,

Passed the Senate April 23, 2002,

by the following vote: 58 Ayes,

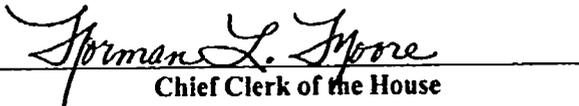
by the following vote: 27 Ayes,

0 Nays, 2 Not Voting

0 Nays, 3 Not Voting


Speaker of the House


President of the Senate


Chief Clerk of the House

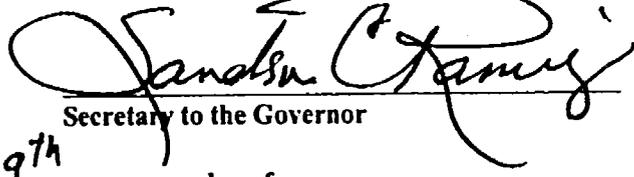

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 2002

at 11:01 o'clock A M.


Secretary to the Governor

Approved this 29th day of

April, 2002,

at 2:03 o'clock P M.

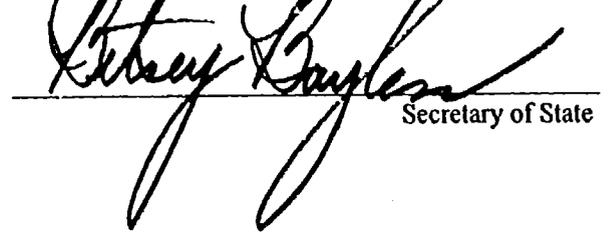

Governor of Arizona

H.B. 2344

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 30 day of April, 2002,

at 11:50 o'clock A M.


Secretary of State