

5461

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. McKEVITT, ERRIGO, McDONOUGH, ALFANO, BARRA --
read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to written
demands for payment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 8 of section 11-104 of the general obligations
law, as added by chapter 921 of the laws of 1985, is amended to read as
follows:

8. The written demands for payment required by subdivision seven of
this section, shall be in the following form and shall be printed in at
least ten point type in [both] EITHER the English [and] OR Spanish
[languages] LANGUAGE, WHICHEVER IS DETERMINED, UPON AFFIDAVIT, TO BE THE
PRIMARY LANGUAGE SPOKEN BY THE DRAWER:

DEMAND FOR PAYMENT OF DISHONORED CHECK

DATE:

1ST NOTICE

2ND AND FINAL NOTICE

TO:

WARNING: YOU MAY BE

NAME OF DRAWER

SUED 30 DAYS AFTER

THE DATE OF THIS

NOTICE IF YOU DO

NOT MAKE PAYMENT

LAST KNOWN RESIDENCE ADDRESS

OR PLACE OF BUSINESS

YOUR CHECK IN THE AMOUNT OF \$ _____ DATED _____

PAYABLE TO THE ORDER OF _____ HAS BEEN DISHONORED BY

THE BANK UPON WHICH IT WAS DRAWN, BECAUSE:

YOU HAD NO ACCOUNT WITH THAT BANK.

YOU HAD INSUFFICIENT FUNDS ON DEPOSIT WITH THAT BANK.

IF YOU DO NOT MAKE PAYMENT, YOU MAY BE SUED UNDER SECTION 11-104 OF
THE GENERAL OBLIGATIONS LAW TO RECOVER PAYMENT. IF A JUDGMENT IS

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 RENDERED AGAINST YOU IN COURT, IT MAY INCLUDE NOT ONLY THE ORIGINAL FACE
2 AMOUNT OF THE CHECK, BUT ALSO ADDITIONAL LIQUIDATED DAMAGES, AS FOLLOWS:
3 -- IF YOU HAD NO ACCOUNT WITH THE BANK UPON WHICH THE CHECK WAS DRAWN,
4 AN ADDITIONAL SUM WHICH MAY BE EQUIVALENT TO TWICE THE FACE AMOUNT OF
5 THE CHECK OR SEVEN HUNDRED FIFTY DOLLARS, WHICHEVER IS LESS; OR
6 -- IF YOU HAD INSUFFICIENT FUNDS ON DEPOSIT WITH THE BANK UPON WHICH
7 THE CHECK WAS DRAWN, AN ADDITIONAL SUM WHICH MAY BE EQUIVALENT TO TWICE
8 THE FACE AMOUNT OF THE CHECK OR FOUR HUNDRED DOLLARS, WHICHEVER IS LESS.

9 PLEASE MAKE PAYMENT IN THE AMOUNT OF _____ TO:

10 _____
11 NAME OF PAYEE
12 _____
13 _____
14 _____

15 ADDRESS TO WHICH PAYMENT
16 SHOULD BE DELIVERED

17 IF YOU DISPUTE ANY OF THE FACTS LISTED ABOVE, CONTACT THE PAYEE IMME-
18 DIATELY.

19 S 2. This act shall take effect immediately.