

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:

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

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

9	DEMAND FOR PAYMENT OF DISHONORED CHECK	
10	DATE:	1ST NOTICE
11		2ND AND FINAL NOTICE
12	TO:	WARNING: YOU MAY BE
13	NAME OF DRAWER	SUED 30 DAYS AFTER
14		THE DATE OF THIS
15		NOTICE IF YOU DO
16		NOT MAKE PAYMENT

17     LAST KNOWN RESIDENCE ADDRESS  
18     OR PLACE OF BUSINESS

19     YOUR CHECK IN THE AMOUNT OF \$ \_\_\_\_\_ DATED \_\_\_\_\_  
20     PAYABLE TO THE ORDER OF \_\_\_\_\_ HAS BEEN DISHONORED BY  
21     THE BANK UPON WHICH IT WAS DRAWN, BECAUSE:

22     \_\_\_\_\_ YOU HAD NO ACCOUNT WITH THAT BANK.

23     \_\_\_\_\_ YOU HAD INSUFFICIENT FUNDS ON DEPOSIT WITH THAT BANK.

24     IF YOU DO NOT MAKE PAYMENT, YOU MAY BE SUED UNDER SECTION 11-104 OF  
25 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.

LBD09001-01-9

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.