

S T A T E O F N E W Y O R K

3558--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. J. MILLER -- read once and referred to the Committee on Banks -- recommitted to the Committee on Banks in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the banking law, in relation to the order in which a payor bank shall pay checks

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

1 Section 1. The banking law is amended by adding a new section 9-v to
2 read as follows:
3 S 9-V. BANKING INSTITUTIONS TO PAY CHECKS DRAWN THEREIN IN ORDER OF
4 PRESENTATION. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE
5 CONTRARY, EVERY BANKING INSTITUTION WHICH PROVIDES CHECKING ACCOUNTS FOR
6 ITS CUSTOMERS SHALL, IN PAYING SUCH CHECKS AS ARE PRESENTED FOR PAYMENT,
7 PAY THE CHECKS IN THE ORDER WHEREIN THEY ARE RECEIVED; PROVIDED, HOWEVE-
8 ER, IF A CHECK IS DISHONORED FOR INSUFFICIENT FUNDS AND THEREAFTER SMALLER
9 CHECKS WHICH COULD BE PAID ARE RECEIVED, THE SMALLER CHECKS SHALL BE
10 HONORED WITHIN AMOUNTS ON DEPOSIT MINUS THE FIRST OVERDRAFT CHARGE IN
11 THE SUBJECT ACCOUNT.
12 S 2. This act shall take effect on the first of January next succeeding
13 the date on which it shall have become a law.

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

LBD05215-04-2