5757

2013-2014 Regular Sessions

IN ASSEMBLY

March 6, 2013

Introduced by M. of A. McKEVITT, GRAF, RA -- Multi-Sponsored by -- M. of A. McDONOUGH -- 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:

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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

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 OFHAS 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.

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

8	THE FACE AMOU	NT OF THE	CHECK OR	FOUR :	HUNDRED	DOLL	ARS, W	HICHE	VER	IS	LESS.	
9 10	PLEASE MAKE P	AYMENT IN	THE AMOUN	T OF_	T	0:						
11		NA	ME OF PAY	EE								
12												
13												
14												
15		ADD:	RESS TO W	HICH :	PAYMENT							
16	SHOULD BE DELIVERED											
17	IF YOU DISP	UTE ANY OF	THE FACT	S LIS	TED ABO	VE, C	ONTACT	THE	PAYE:	E	IMME-	
18	DIATELY.											
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S 2. This act shall take effect immediately.