

STATE OF NEW YORK

3432

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

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 Assembly, 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.

LBD04662-01-7

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 § 2. This act shall take effect immediately.