

By: Representative Davis

To: Judiciary B

HOUSE BILL NO. 1145
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 97-19-57, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE NOTICE PROVISION OF THE BAD CHECK LAW REGARDING
3 TRANSACTIONS INVOLVING MOTOR VEHICLES; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 97-19-57, Mississippi Code of 1972, is
6 amended as follows:

7 97-19-57. (1) As against the maker or drawer thereof, the
8 making, drawing, issuing, uttering or delivering of a check, draft
9 or order, payment of which is refused by the drawee, shall be
10 prima facie evidence and create a presumption of intent to defraud
11 and of knowledge of insufficient funds in, or on deposit with,
12 such bank, corporation, firm or person, provided such maker or
13 drawer shall not have paid the holder thereof the amount due
14 thereon, together with a service charge not to exceed Thirty
15 Dollars (\$30.00), within fifteen (15) days after receiving notice
16 that such check, draft or order has not been paid by the drawee.

17 (2) The form of the notice provided for in subsection (1) of
18 this section shall be substantially as follows:

19 "This statutory notice is provided pursuant to Section
20 97-19-57, Mississippi Code of 1972. You are hereby notified that
21 a check, draft or order numbered _____, apparently issued by you on
22 _____ (date), drawn upon _____ (name of bank), and payable
23 to _____, has been dishonored. Pursuant to Mississippi law,
24 you have fifteen (15) days from receipt of this notice to tender
25 payment of the full amount of such check, draft or order, plus a
26 service charge of Thirty Dollars (\$30.00), the total amount due

27 being \$_____. Unless this amount is paid in full within the
28 time specified above, the holder may assume that you delivered the
29 instrument with intent to defraud and may turn over the dishonored
30 instrument and all other available information relating to this
31 incident to the proper authorities for criminal prosecution."

32 (3) If the notice is mailed by certified or registered mail
33 and is returned undelivered to the sender after such notice was
34 mailed within a reasonable time of dishonor to the address printed
35 on the check, draft or order, or to the address given by the
36 accused at the time of issuance of the instrument, such return
37 shall be prima facie evidence of the maker's or drawer's intent to
38 defraud.

39 (4) Without in any way limiting the provisions of this
40 section, this section shall apply to a draft for the payment of
41 money given for a motor vehicle even if such payment is
42 conditioned upon delivery of documents necessary for transfer of a
43 valid title to the purchaser.

44 SECTION 2. This act shall take effect and be in force from
45 and after July 1, 1999.