

By: Senator(s) Tollison, White

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2431

1 AN ACT TO AMEND SECTION 11-7-12, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE AMOUNTS RECOVERABLE IN A CIVIL ACTION FOUNDED ON A BAD
3 CHECK; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 11-7-12, Mississippi Code of 1972, is
6 amended as follows:

7 11-7-12. (1) If a check, draft or order is made, drawn,
8 issued, uttered or delivered in violation of Section 97-19-55, the
9 payee, endorser or his assignee shall be entitled to collect, in
10 addition to the face amount of the check, draft or order, a
11 service charge of Forty Dollars (\$40.00).

12 (2) In any civil action founded on a check, draft or order
13 made, drawn, issued, uttered or delivered in violation of Section
14 97-19-55, the plaintiff, if he be a payee, endorser, holder or
15 assignee, shall be entitled to recover, in addition to the face
16 amount of the check, draft or order, damages in the following
17 amount:

18 (a) If the amount of the check, draft or order is up to
19 and including Twenty-five Dollars (\$25.00), then the additional
20 damages shall be:

21 (i) A service charge of Thirty Dollars (\$30.00);

22 (ii) All costs of court charged by the clerk of
23 court;

24 (iii) Reasonable attorney's fees as determined by
25 the judge; and

26 (iv) Post-judgment interest at the rate of eight
27 percent (8%).

28 (b) If the amount of the check, draft or order is above
29 Twenty-five Dollars * * *, then the additional damages shall be:

30 (i) A service charge of Forty Dollars (\$40.00);

31 (ii) All costs of court charged by the clerk of
32 court;

33 (iii) Reasonable attorney's fees as determined by
34 the judge; and

35 (iv) Post-judgment interest at the rate of eight
36 percent (8%).

37 (c) The payee, endorsee, holder or assignee of a check,
38 draft or order may claim in a single civil action all checks,
39 drafts or orders made, drawn, issued, uttered or delivered in
40 violation of Section 97-19-55 by a single drawer without regard to
41 the identity or number of payees on those instruments.

42 **SECTION 2.** This act shall take effect and be in force from
43 and after July 1, 2007.