

By: Senator(s) Tollison

To: Judiciary, Division B

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 Thirty Dollars (\$30.00);

21 (b) If the amount of the check, draft or order is above  
22 Twenty-five Dollars (\$25.00) and up to and including Two Hundred  
23 Dollars (\$200.00), then the additional damages shall be:

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

25 (ii) All costs of court charged by the clerk of  
26 court;

27                    (iii) Reasonable attorney's fees as determined by  
28 the judge; and

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

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

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