MISSISSIPPI LEGISLATURE REGULAR SESSION 2007

By: Senator(s) Tollison, White

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2431

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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