

By: Senator(s) Tollison, White

To: Judiciary, Division B

SENATE BILL NO. 2431
(As Sent to Governor)

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; TO MAKE THIS SECTION APPLICABLE TO ELECTRONIC TRANSFERS OF
4 FUNDS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

23 and

24 (ii) In the event suit is filed by a licensed
25 attorney, reasonable attorney's fees as determined by the judge.

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

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

29 and

30 (ii) In the event suit is filed by a licensed
31 attorney, reasonable attorney's fees as determined by the judge.

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

37 (d) The provisions of this section shall also apply to
38 electronic transfers of funds.

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