

Session 116 - (2005-2006)

H 3093 General Bill, By Cobb-Hunter

Summary: Check cashing services or deferred presentment services may not rely on civil or criminal remedies for fraudulent checks

A BILL TO AMEND SECTION 34-11-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DRAWING AND UTTERING ANY FRAUDULENT CHECK, DRAFT, OR OTHER WRITTEN ORDER, SO AS TO PROVIDE THAT THE SECTION DOES NOT APPLY TO A CHECK GIVEN TO A DEFERRED PRESENTMENT SERVICE OR A CHECK CASHING SERVICE; TO AMEND SECTION 34-11-70, AS AMENDED, RELATING TO EVIDENCE OF FRAUDULENT INTENT AND PROSECUTION FOR ISSUANCE OF ANY FRAUDULENT CHECK, DRAFT, OR OTHER WRITTEN ORDER, SO AS TO PROVIDE THAT A COMMERCIAL AGENT FOR COLLECTION OF AN OBLIGATION PAID FOR WITH ANY FRAUDULENT CHECK, DRAFT, OR OTHER WRITTEN ORDER DOES NOT HAVE THE SAME RIGHTS AS THE ORIGINAL PAYEE UNLESS THE CHECK, DRAFT, OR OTHER WRITTEN ORDER HAS BEEN ENDORSED OVER TO THE AGENT FOR COLLECTION FOR VALUE AND WITHOUT RESERVATION OF RIGHTS; TO AMEND SECTION 34-39-180, RELATING TO REGULATION OF DEFERRED PRESENTMENT SERVICES AND SECTION 34-41-60, RELATING TO REGULATION OF CHECK CASHING SERVICES, SO AS TO PROVIDE THAT NEITHER SERVICE MAY RELY ON THE CIVIL OR CRIMINAL REMEDIES IN CHAPTER, 11, TITLE 34, FOR PROSECUTING OR CIVILLY ENFORCING PAYMENT OF A FRAUDULENT CHECK.

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