

Session 113 - (1999-2000)

S 0773 General Bill, By Peeler

Summary: Checks, drafts, etc.; worthless; intent to cheat and defraud; Banks and Savings and Loan Associations

A BILL TO AMEND CHAPTER 11, TITLE 34, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, BY ADDING SECTION 34-11-55, SO AS TO PROVIDE THAT A PERSON WHO, WITH INTENT TO CHEAT AND DEFRAUD ANOTHER, SHALL OBTAIN ANYTHING OF VALUE BY MEANS OF A CHECK, DRAFT, OR ORDER UPON A BANK OR OTHER PERSON NOT INDEBTED TO THE DRAWER, WHERE HE HAS NOT PROVIDED FOR PAYMENT OR ACCEPTANCE OF THE CHECK, DRAFT, OR ORDER, AND THE CHECK, DRAFT OR ORDER IS NOT PAID IS GUILTY OF A MISDEMEANOR, AND TO PROVIDE THAT THE GIVING OF A WORTHLESS CHECK, DRAFT, OR ORDER IS PRIMA FACIE EVIDENCE OF INTENT TO CHEAT AND DEFRAUD; TO AMEND SECTION 34-11-60, AS AMENDED, RELATING TO DRAWING AND UTTERING A FRAUDULENT CHECK, DRAFT, OR OTHER WRITTEN ORDER, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO DRAW, MAKE, UTTER, OR ISSUE AND DELIVER A CHECK OR DRAFT FOR THE PAYMENT OF MONEY TO ANOTHER KNOWING THAT THE MAKER OR DRAWER DOES NOT HAVE SUFFICIENT FUNDS OR CREDIT WITH WHICH TO PAY THE CHECK OR DRAFT UPON PRESENTATION; TO AMEND CHAPTER 11, TITLE 34, RELATING TO BANK DEPOSITS, BY ADDING SECTION 34-11-65, SO AS TO PROVIDE THAT A PERSON WHO ACCEPTS A CHECK IN PAYMENT FOR GOODS AND SERVICES MAY CHARGE AND COLLECT A PROCESSING FEE FOR A CHECK ON WHICH PAYMENT HAS BEEN REFUSED BY THE PAYOR BANK; TO AMEND SECTION 34-11-70, RELATING TO PRIMA FACIE EVIDENCE OF FRAUDULENT INTENT IN DRAWING A CHECK, DRAFT, OR OTHER WRITTEN ORDER, SO AS TO PROVIDE FOR PRIMA FACIE EVIDENCE OF FRAUDULENT INTENT IN DRAWING A CHECK, DRAFT, OR OTHER WRITTEN ORDER; AND TO AMEND SECTION 34-11-75, RELATING TO CIVIL REMEDIES FOR DRAWING AND UTTERING FRAUDULENT CHECKS, DRAFTS, OR OTHER WRITTEN ORDERS, SO AS TO PROVIDE FOR CIVIL REMEDIES FOR DRAWING AND UTTERING FRAUDULENT CHECKS, DRAFTS, OR OTHER WRITTEN ORDERS.

04/29/99 Senate Introduced and read first time SJ-5

04/29/99 Senate Referred to Committee on Banking and Insurance SJ-5