

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1928 Session of
1995

INTRODUCED BY PICCOLA, GEORGE, MCGEEHAN, DIGIROLAMO, BATTISTO,
JAROLIN, DURHAM, BELARDI, DEMPSEY, CHADWICK, SEMMEL, RAYMOND,
J. TAYLOR, WOGAN, GEIST, HERSHEY, MILLER, E. Z. TAYLOR,
EGOLF, RUDY, MERRY, COY, SAYLOR, WAUGH, TRELLO, MELIO AND
CIVERA, JUNE 29, 1995

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 29, 1995

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 damages in actions on bad checks.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 8304 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 8304. Damages in actions on bad checks.

9 (a) General rule.--In a civil action to recover damages and
10 costs [following a conviction for] based on passing a bad check
11 pursuant to 18 Pa.C.S. § 4105 (relating to bad checks) [and
12 failure to make full restitution,] the payee shall, upon
13 obtaining judgment, be entitled to recover damages in an amount
14 equal to \$100 or triple the amount for which the check was
15 drawn, whichever is greater.

16 (b) Limitation.--Damages recovered under this section may
17 not exceed by more than \$500 the value of the check and shall be

1 awarded only if:

2 (1) the payee made written demand of the issuer for
3 payment of the amount of the check [not less than ten days
4 before commencing the action]. The notice shall be sent by
5 certified mail and shall include information regarding how to
6 make payment and the consequences of not making payment. The
7 payee may not commence the action less than ten days from the
8 date of the notice; and

9 (2) the issuer failed to tender to the payee, prior to
10 commencement of the action, an amount of money not less than
11 the amount demanded.

12 (c) Restriction.--Notwithstanding subsection (a), if partial
13 restitution has been made, damages recovered under this section
14 may not exceed triple the amount of the unpaid restitution.

15 (d) Criminal disposition.--Criminal prosecution under 18
16 Pa.C.S. § 4105 is not a prerequisite to the applicability of
17 this section.

18 (e) Release.--If the person to whom a written demand is made
19 complies with the demand within ten days after the receipt of
20 the demand, that person shall be given a written release from
21 further civil liability with respect to the specific act of
22 passing a bad check.

23 Section 2. This act shall take effect in 60 days.