

Introduced by

Senators Flakoll, Lee, Lyson, Traynor

1 A BILL for an Act to amend and reenact subsection 2 of section 6-08-16 and subsection 4 of  
2 section 6-08-16.2 of the North Dakota Century Code, relating to the civil penalty for issuing a  
3 bad check or draft.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 6-08-16 of the 1999 Supplement  
6 to the North Dakota Century Code is amended and reenacted as follows:

7 2. The grade of an offense under this section may be determined by individual or  
8 aggregate totals of insufficient funds checks, drafts, electronic funds transfer  
9 authorizations, or orders. The person is also liable for collection fees or costs, not  
10 in excess of twenty dollars, which are recoverable by civil action by the holder, or  
11 its agent or representative, of the check, draft, electronic funds transfer  
12 authorization, or order. A collection agency shall reimburse the original holder of  
13 the check, draft, electronic funds transfer authorization, or order any additional  
14 charges assessed by the depository bank of the check, draft, electronic funds  
15 transfer authorization, or order not in excess of two dollars if recovered by the  
16 collection agency. A civil penalty is also recoverable by civil action by the holder,  
17 or its agent or representative, of the check, draft, electronic funds transfer  
18 authorization, or order. The civil penalty consists of payment to the holder, or its  
19 agent or representative, of the instrument of the lesser of ~~one~~ five hundred dollars  
20 or three times the amount of the instrument. The court may order an individual  
21 convicted under this section to undergo an evaluation by a licensed gaming,  
22 alcohol, or drug addiction counselor.

23 **SECTION 2. AMENDMENT.** Subsection 4 of section 6-08-16.2 of the 1999  
24 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 1           4. A person who issues an instrument under subsection 2 or 3 also is liable for  
2           collection fees or costs, not in excess of twenty dollars per instrument, which are  
3           recoverable by civil action by the holder of the instrument, or the holder's agent or  
4           representative. A civil penalty is also recoverable by civil action by the holder, or  
5           its agent or representative, of the instrument. The civil penalty consists of payment  
6           to the holder of the instrument of the lesser of ~~one~~ five hundred dollars or three  
7           times the amount of the instrument.