

ACT 43

S.B. NO. 1538-86

A Bill for an Act Relating to Checks.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 490:3-505.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In any action against a person who makes any check, draft, or order for the payment of money which has been dishonored for lack of funds or credit to pay the same, or because the maker has no account with the drawee, the plaintiff may recover from the defendant damages in an amount equal to \$100 or triple the amount for which the check, draft, or order is drawn, whichever is greater; provided that damages recovered under this section shall not exceed by more than \$500 the amount of the check, draft, or order, and may be awarded only if:

- (1) The plaintiff made written demand of the defendant for payment of the amount of the check, draft, or order not less than ten days before commencing the action; and
- (2) The defendant failed to tender to the plaintiff, prior to commencement of the action, an amount of money not less than the amount demanded.

The written demand shall include notice that if the money is not paid within ten days, triple damages may be incurred by the defendant. The plaintiff shall provide the defendant written notice of demand for payment by [registered] certified mail,<sup>1</sup> restricted delivery,<sup>1</sup> at the last known address of the defendant with a request for a return receipt and marked “deliver to addressee only”.

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 17, 1986.)

Note

- 1. Comma should be underscored.