1	State of Arkansas
2	80th General Assembly ABII ACT 1004 OF 1995
3	Regular Session, 1995 SENATE BILL 710
4	By: Senator Lewellen
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7	For An Act To Be Entitled
8	"AN ACT TO AMEND ARKANSAS CODE § 4-60-103, AS AMENDED BY
9	ACT 335 OF 1995, TO ALLOW THE COST OF SALES TAX ON DEBT
10	COLLECTION SERVICES TO BE RECOVERED ON ACTIONS FOR
11	RESTITUTION ON INSUFFICIENT CHECKS; AND FOR OTHER
12	PURPOSES."
13	
14	Subtitle
15	"TO AMEND ACT 335 OF 1995 TO ALLOW THE
16	COST OF SALES TAX ON DEBT COLLECTION
17	SERVICES TO BE RECOVERED IN RESTITUTION
18	ACTIONS ON HOT CHECKS."
19	
20	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22	SECTION 1. Arkansas Code § 4-60-103, as amended by Section 1 of Act 335
23	of 1995, is amended to read as follows:
24	"4-60-103. Liability for restitution.
25	(a) Any person who issues a check which is not paid because the check
26	was written on an account with insufficient funds has fifteen (15) days
27	following the date of a written demand mailed or delivered to the drawer of
28	the check at the address shown on the check or his last known address to pay
29	to the holder of the check or his agent the amount of the check and a
30	collection fee not to exceed twenty dollars (\$20.00).
31	(b) Any person who fails to make restitution as set forth in subsection
32	(a) of this section and who fails to pay the amount of the check and a
33	collection fee not to exceed twenty dollars (\$20.00) within thirty (30) days
34	following the date of a written demand mailed to the drawer by certified mail,
	return receipt requested, to the address shown on the check or his last known
36	address, is liable to the holder of the check or his agent for:

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               (1) twice the amount of the check, but in no case less than fifty
 2 dollars ($50.00);
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               (2) a collection fee not to exceed twenty dollars ($20.00); and
               (3) any taxes which may be due pursuant to § 26-52-301(3)(E).
 5 The prevailing party may recover court costs and reasonable attorneys fees
 6 after suit has been filed.
         (c) Nothing in this section shall prevent the criminal prosecution of
 8 the person who issues the check. However, any payment made by the defendant to
 9 a victim pursuant to an order for restitution entered in a criminal
10 prosecution shall be set off against any judgment in favor of the victim in a
11 civil action brought under this section arising out of the same facts or
12 event."
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         SECTION 2. All provisions of this act of general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.
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         SECTION 3. If any provisions of this act or the application thereof to
19 any person or circumstance is held invalid, the invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provisions or application, and to this end the provisions of this
22 act are declared to be severable.
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         SECTION 4. All laws and parts of laws in conflict with this act are
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25 hereby repealed.
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                                     /s/Lewellen
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                  BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 4-7-95
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