

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

ACT 702 OF 1997  
HOUSE BILL 1617

4  
5 By: Representative Courtway

## For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 26-18-208(9) AND 19-2-  
10 203(a) TO INCREASE THE PENALTY FROM TEN DOLLARS (\$10.00)  
11 TO TWENTY DOLLARS (\$20.00) FOR ALL CHECKS RETURNED DUE TO  
12 INSUFFICIENT FUNDS; AND FOR OTHER PURPOSES."

## Subtitle

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14  
15 "AN ACT TO INCREASE THE HOT CHECK  
16 PENALTY UNDER THE ARKANSAS TAX PROCEDURE  
17 ACT TO TWENTY DOLLARS."

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code 26-18-208(9), pertaining to additional  
22 penalties, is amended to read as follows:

23 "(9) If any person makes payment to the director for any taxes,  
24 licenses, or fees imposed by any laws of this state, by means of a check,  
25 draft, or order drawn on any bank, person, firm, or corporation without having  
26 been paid in full, the director is authorized and empowered to impose a  
27 penalty of ten percent (10%) of the face amount of the check, draft, or order  
28 or ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00), whichever is greater, against  
29 the maker or drawer of the check, draft, or order. This subdivision shall not  
30 apply if the person establishes to the satisfaction of the director that he  
31 tendered the check, draft, or order in good faith and with reasonable cause to  
32 believe it would be duly paid."

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34 SECTION 2. Arkansas Code 19-2-203(a), pertaining to additional  
35 penalties, is amended to read as follows:

36 "(a) If any person, firm, corporation, partnership, or business makes

1 payment to the Department of Finance and Administration for any license or  
 2 fees imposed by the laws of this state by means of a check, draft, or order  
 3 drawn on any bank, person, firm, or corporation, and the check, draft, or  
 4 order is returned by the bank, person, firm, or corporation without having  
 5 been paid in full, then the Director of the Department of Finance and  
 6 Administration is authorized and empowered to impose a penalty. The penalty  
 7 shall be in the amount of either ten percent (10%) of the face amount of the  
 8 check, draft, or order or ~~ten dollars (\$10.00)~~twenty dollars (\$20.00),  
 9 whichever is greater, against the maker or drawer of the check, draft, or  
 10 order."

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12 SECTION 3. All provisions of this act of a general and permanent nature  
 13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 4. If any provision of this act or the application thereof to  
 17 any person or circumstance is held invalid, such invalidity shall not affect  
 18 other provisions or applications of the act which can be given effect without  
 19 the invalid provision or application, and to this end the provisions of this  
 20 act are declared to be severable.

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22 SECTION 5. All laws and parts of laws in conflict with this act are  
 23 hereby repealed.

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APPROVED:3-19-97

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