

An Act

ENROLLED SENATE
BILL NO. 989

By: Justice, Shortey and
Ivester of the Senate

and

Biggs of the House

An Act relating to bogus checks; amending 21 O.S. 2011, Section 1541.4, as amended by Section 1, Chapter 127, O.S.L. 2013 (21 O.S. Supp. 2013, Section 1541.4), which relates to false or bogus checks; modifying definition; and providing an effective date.

SUBJECT: Bogus checks

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1541.4, as amended by Section 1, Chapter 127, O.S.L. 2013 (21 O.S. Supp. 2013, Section 1541.4), is amended to read as follows:

Section 1541.4 A. The term "false or bogus check or checks" shall include checks or orders, including those converted to electronic fund transfer, which are not honored on account of insufficient funds of the maker to pay same or because the check or order was drawn on a closed account or on a nonexistent account when such checks or orders are given:

1. In exchange for money or property;
2. In exchange for any benefit or thing of value; ~~or~~

3. As a down payment for the purchase of any item of which the purchaser is taking immediate possession, as against the maker or drawer thereof; or

4. As payment made to a landlord under a lease or rental agreement.

B. The making, drawing, uttering, or delivering of a check, draft, or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; and provided, further, that ~~said~~ the check or order is presented for payment within thirty (30) days after same is delivered and accepted.

C. A check offered for the purchase of goods or livestock that is refused by a drawee shall not be considered to be an extension of credit by the seller of goods or livestock to the maker or drawer of the check.

D. A check or order offered to a merchant in payment on an open account of the maker with the merchant shall mean "a check or order given in exchange for a benefit or thing of value", notwithstanding that the merchant may debit the account of the maker or impose other charges pursuant to applicable law in the event the check or order is not honored.

SECTION 2. This act shall become effective November 1, 2014.

Passed the Senate the 29th day of April, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2014.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____