

Session 115 - (2003-2004)

H 3015 General Bill, By Cobb-Hunter and J.H. Neal

Summary: Check cashing and deferred presentment services may not rely on civil or criminal remedies for when fraudulent

A BILL TO AMEND SECTION 34-11-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DRAWING AND UTTERING ANY FRAUDULENT CHECK, DRAFT, OR OTHER WRITTEN ORDER, SO AS TO PROVIDE THAT THE SECTION DOES NOT APPLY TO A CHECK GIVEN TO A DEFERRED PRESENTMENT SERVICE OR A CHECK CASHING SERVICE; TO AMEND SECTION 34-11-70, AS AMENDED, RELATING TO EVIDENCE OF FRAUDULENT INTENT AND PROSECUTION FOR ISSUANCE OF ANY FRAUDULENT CHECK, DRAFT, OR OTHER WRITTEN ORDER, SO AS TO PROVIDE THAT A COMMERCIAL AGENT FOR COLLECTION OF AN OBLIGATION PAID FOR WITH ANY FRAUDULENT CHECK, DRAFT, OR OTHER WRITTEN ORDER DOES NOT HAVE THE SAME RIGHTS AS THE ORIGINAL PAYEE UNLESS THE CHECK, DRAFT, OR OTHER WRITTEN ORDER HAS BEEN ENDORSED OVER TO THE AGENT FOR COLLECTION FOR VALUE AND WITHOUT RESERVATION OF RIGHTS; TO AMEND SECTION 34-39-180, RELATING TO REGULATION OF DEFERRED PRESENTMENT SERVICES AND SECTION 34-41-60, RELATING TO REGULATION OF CHECK CASHING SERVICES, SO AS TO PROVIDE THAT NEITHER SERVICE MAY RELY ON THE CIVIL OR CRIMINAL REMEDIES IN CHAPTER 11, TITLE 34, FOR PROSECUTING OR CIVILLY ENFORCING PAYMENT OF A FRAUDULENT CHECK.

12/04/02 House Prefiled

12/04/02 House Referred to Committee on Judiciary

01/14/03 House Introduced and read first time HJ-16

01/14/03 House Referred to Committee on Judiciary HJ-17

01/15/03 House Recalled from Committee on Judiciary HJ-22

01/15/03 House Referred to Committee on Labor, Commerce and Industry HJ-22