

7-15-2 Notice -- Form.

(1)

- (a) "Notice" means notice given to the issuer of a check either orally or in writing.
- (b) Written notice may be given by United States mail that is:
 - (i) first class; and
 - (ii) postage prepaid.
- (c) Notwithstanding Subsection (1)(b), written notice is conclusively presumed to have been given when the notice is:
 - (i) properly deposited in the United States mail;
 - (ii) postage prepaid;
 - (iii) certified or registered mail;
 - (iv) return receipt requested; and
 - (v) addressed to the signer at the signer's:
 - (A) address as it appears on the check; or
 - (B) last-known address.

(2) Written notice under Subsection 7-15-1(5) shall take substantially the following form:

"Date: _____

To: _____

You are hereby notified that the check(s) described below issued by you has (have) been returned to us unpaid:

Check date: _____

Check number: _____

Originating institution: _____

Amount: _____

Reason for dishonor (marked on check): _____

In accordance with Section 7-15-1, Utah Code Annotated, you are liable for this check together with a service charge of \$20, which must be paid to the undersigned.

If you do not pay the check amount and the \$20 service charge within 15 calendar days from the day on which this notice was mailed, you are required to pay within 30 calendar days from the day on which this notice is mailed:

- (1) the check amount;
- (2) the \$20 service charge; and
- (3) collection costs not to exceed \$20.

If you do not pay the check amount, the \$20 service charge, and the collection costs within 30 calendar days from the day on which this notice is mailed, in accordance with Section 7-15-1, Utah Code Annotated, an appropriate civil legal action may be filed against you for:

- (1) the check amount;
- (2) interest;
- (3) court costs;
- (4) attorneys' fees;
- (5) actual costs of collection as provided by law; and
- (6) damages in an amount equal to the greater of \$100 or triple the check amount,

except:

- (a) that damages recovered under this Subsection (6) may not exceed the check amount by more than \$500; and
- (b) you are not liable for these damages for a check used to obtain a deferred deposit loan.

In addition, the criminal code provides in Section 76-6-505, Utah Code Annotated, that any person who issues or passes a check for the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or other thing of value or paying for any services, wages, salary, labor, or rent, knowing it will not be paid by the drawee and payment is refused by the drawee, is guilty of issuing a bad check.

The civil action referred to in this notice does not preclude the right to prosecute under the criminal code of the state.

(Signed) _____

Name of Holder: _____

Address of Holder: _____

Telephone Number: _____

"

(3) Notwithstanding the other provisions of this section, a holder exempt under Subsection 7-15-1(9) is exempt from this section.

Amended by Chapter 324, 2010 General Session