

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 781
SENATE BILL 321

AN ACT TO ALLOW PERSONS TO CHARGE AND COLLECT PROCESSING FEES FOR
RETURNED CHECKS AND TO INCREASE THE PROCESSING COSTS FOR
RETURNED CHECKS ALLOWABLE IN COURT ACTIONS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 25, Article 3, of the General Statutes is amended by adding a new section to read as follows:

"§ 25-3-512. **Collection of processing fee for returned checks.** — A processing fee, not to exceed ten dollars (\$10.00), may be charged and collected for checks on which payment has been refused by the payor bank because of insufficient funds or because the drawer did not have an account at that bank if at the time the consumer presented the check to the person, a sign:

- (1) was conspicuously posted on or in the immediate vicinity of the cash register;
- (2) was in plain view of anyone paying for goods or services by check;
- (3) was no smaller than 8 by 11 inches; and
- (4) stated the amount of the fee that would be charged for returned checks.

Where the drawer sends the check by mail for payment of the debt, and the check is dishonored and returned, the processing fee may be collected if expressly authorized by the agreement creating the debt.

If a collection agency collects or seeks to collect the sum payable of a check, the drawer is not required to pay a fee unless the fee is expressly authorized by the agreement creating the debt. If an action is brought to recover the sum payable of a check, the remedies shall be as provided in G.S. 6-21.3."

Sec. 2. G.S. 6-21.3 is amended by deleting "five dollars (\$5.00)" and inserting in lieu thereof "ten dollars (\$10.00)".

Sec. 3. This act shall become effective July 1, 1981, and applies to checks written on or after this date.

In the General Assembly read three times and ratified, this the 2nd day of July, 1981.