

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 763

An Act to amend and reenact § 8.01-27.2 of the Code of Virginia, relating to civil recovery for giving bad check; notice.

[H 455]

Approved April 7, 2002

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-27.2 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-27.2. Civil recovery for giving bad check.

In the event a check, draft or order, the payment of which has been refused by the drawee because of lack of funds in or credit with such drawee, is not paid in full within thirty days after receipt by the drawer of written notice by registered, certified, or regular mail with the sender retaining *an affidavit of service of mailing or other* sufficient proof of mailing, which may be a U.S. Postal Certificate of Mailing, from the payee that the check, draft or order has been returned unpaid, the payee may recover from the drawer in a civil action brought by the filing of a warrant in debt, the lesser of \$250 or three times the amount of the check, draft or order. The amount recovered as authorized by this section shall be in addition to the amounts authorized for recovery under § 8.01-27.1. No action may be initiated under this section if any action has been initiated under § 18.2-181. The drawer shall be obligated to pay the cost of service and the cost of mailing, as applicable.