

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 233

An Act to amend and reenact § 8.01-27.1 of the Code of Virginia, relating to recovery of additional items in civil claim for issuance of bad check.

[H 1425]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-27.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-27.1. Additional recovery in certain civil actions concerning checks.

A. In any civil claim or action made or brought against the drawer of a check, draft or order, payment of which has been refused by the drawee depository because of lack of funds in or credit with such drawee depository, the holder or his agent shall be entitled to claim, in addition to the face amount of the check (i) legal interest from the date of the check, (ii) the protest or bad check return fee, if any, charged to the holder by his bank or other depository, ~~and~~ (iii) a processing charge of ~~twenty-five dollars~~ \$35, and (iv) *reasonable attorney's fees if awarded by the court.*

B. Any holder of a check, draft or order, payment of which has been refused by the drawee for insufficient funds or credit, who charges the drawer amounts in excess of those authorized in subsection A on account of payment being so refused shall, upon demand, be liable to the drawer for the lesser of (i) ~~twenty-five dollars~~ \$35 plus the excess of the authorized amount or (ii) twice the amount charged in excess of the authorized amount.