

1998 SESSION

INTRODUCED

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SENATE BILL NO. 36

Offered January 14, 1998

Prefiled January 13, 1998

A BILL to amend and reenact §§ 6.1-118.1 and 15.2-105 of the Code of Virginia, relating to recovery of costs for collecting on bad checks and on accounts due local governments.

Patron—Quayle

Referred to the Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.1-118.1 and 15.2-105 of the Code of Virginia are amended and reenacted as follows:

§ 6.1-118.1. Recovery of costs in civil actions for bad checks.

A. In any civil action by a holder to recover the sum payable of a check drawn by the defendant on which payment has been refused by the payor bank because the drawer had no account or insufficient funds, or in any civil action following an arrest under § 18.2-181 or § 18.2-182, the court, upon a determination that the plaintiff has prevailed, shall add the following amounts, as costs, to the amount due to the plaintiff for the check: (i) ~~the sum of ten~~ twenty-five dollars to defray the cost of processing the returned check; and (ii) the base wage of one employee for time actually spent acting as a witness for the Commonwealth; ~~provided, however, that~~ the total amount of allowable costs granted under the provisions of this section shall not exceed ~~the sum of~~ \$250 excluding restitution for the amount of the check.

B. Such award of costs shall be contingent upon a finding (i) that the plaintiff complied with the provisions in § 18.2-183 relating to notice and (ii) that the defendant failed to deliver payment or evidence of bank error to the plaintiff within five days after receipt of such notice.

§ 15.2-105. Penalty and interest for failure to pay accounts when due.

Any person failing to pay, pursuant to an ordinance, any account due a locality on or before its due date, other than taxes which are provided for in Title 58.1, shall incur a penalty thereon of ten percent or ~~ten~~ twenty-five dollars, whichever is greater, which shall be added to the amount of the account due from such person. No penalty shall be imposed for failure to pay any account if such failure was not in any way the fault of the debtor.

Interest at the rate of ten percent annually from the first day following the day such account is due may be collected upon the principal and penalty of all such accounts.

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