

March 21, 1969

SENATE FILE 139

By FLATT, SULLIVAN, LANGE, DeHART,  
KOSEK, MOGGED, THORDSEN, KYHL,  
CURRAN, ERSKINE, POTTER, LUCKEN,  
BALLOUN, WALSH, SHAFF, NICHOLSON,  
BRILES, VAN GILST, McGILL,  
COLEMAN and KLINK  
(Van Drie, Tieden, Winkelman,  
Miller of Des Moines, Sorg, Radl,  
Mohrfeld, Cunningham, Voorhees,  
Van Roekel, Renda, Stromer,  
Shepherd, Pierson, Mayberry,  
Millen and Wolfe)  
(AS PASSED BY THE SENATE)

Passed Senate, Date 3-21-69 Passed House, Date 3-26-69

Vote: Ayes 48 Nays 11 Vote: Ayes 103 Nays 15

Approved April 18, 1969

*Passed Senate per Conference  
Committee Report  
4-11-69  
aye 41, nay 14*

*Passed House per Conference  
Committee Report 4-14  
aye 100, nay 12*

# A BILL FOR

- 1 An Act relating to false drawing or uttering of checks.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 Section 1. Section seven hundred thirteen point four
- 4 (713.4), Code 1966, is hereby repealed and the following en-
- 5 acted in lieu thereof:
- 6 "As against the maker or drawer of a check, draft, or
- 7 written order, payment of which is refused by the drawee
- 8 because of insufficient funds of the maker or drawer or
- 9 because the maker or drawer has no account with the drawee,
- 10 the fact that payment of such check, draft, or written order
- 11 has been refused by the drawee shall be material and competent
- 12 evidence
- 13 of intent to defraud and of knowingly not having an arrange-
- 14 ment, understanding, or funds with such bank, person, or
- 15 corporation sufficient to meet or pay the check, draft, or
- 16 written order, provided such maker or drawer shall not have
- 17 paid the holder thereof the amount due thereon within ten
- 18 days after receiving notice by certified mail or
- 19 notice in the manner of serving an original notice that
- 20 such check, draft, or written order has not been paid by
- the drawee."

*3/28 Conference Committee  
Senators Flatt,  
Arbuckle, Schiley,  
and Shaff.  
Representatives Van  
Astrand, Van Drie,  
Bailey, and Radl.*

Reprinted 3/21  
SENATE FILE 139

January 30, 1969

Passed on File

Commerce 2-3, Passed 2-25 By FLATT, SULLIVAN, LANGE, DeHART  
KOSEK, MOGGED, THORDSEN, KYHL,  
CURRAN, ERSKINE, POTTER, LUCKEN,  
BALLOUN, WALSH, SHAFF, NICHOLSON,  
BRILES, VAN GILST, McGILL,  
COLEMAN and KLINK  
(Van Drie, Tieden, Winkelman,  
Miller of Des Moines, Sorg, Radl,  
Mohrfeld, Cunningham, Voorhees,  
Van Roekel, Renda, Stromer,  
Shepherd, Pierson, Mayberry,  
Millen and Wolfe)

Passed Senate, Date 3-21-69 Passed House, Date 3-26-69

Vote: Ayes 48 Nays 11 Vote: Ayes 103 Nays 15

Approved April 18, 1969  
Passed Senate per Conference Committee Report 4-11  
41-14

Conference Committee  
Appointed 3-28  
Van Heestend  
Van Drie  
Bailey and Radl  
Flatt, Arbuckle,  
Shirley, and Hoff

## A BILL FOR

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- 7 written order, payment of which is refused by the drawee
- 8 because of insufficient funds of the maker or drawer or
- 9 because the maker or drawer has no account with the drawee,
- 10 the fact that payment of such check, draft, or written order
- 11 has been refused by the drawee shall be prima facie evidence
- 12 of intent to defraud and of knowingly not having an arrange-
- 13 ment, understanding, or funds with such bank, person, or
- 14 corporation sufficient to meet or pay the check, draft, or
- 15 written order, provided such maker or drawer shall not have
- 16 paid the holder thereof the amount due thereon within ten
- 17 days after receiving written notice that such check, draft,
- 18 or written order has not been paid by the drawee."

1 **Amend Senate File 139:**

2 1. By striking all after the enacting clause and inserting  
3 in lieu thereof the following:  
4 Section 1. A bank which makes available to its depositors  
5 printed checks, or drafts showing it to be the drawee, shall  
6 guarantee payment to a payee or his indorser of checks or drafts  
7 drawn or made in the case of each such check to the sum or not  
8 more than twenty-five dollars, if upon presentation for payment  
9 the drawer or maker has insufficient funds on deposit with the  
10 drawee.

11 Sec. 2. A bank is hereby permitted to charge a fee of one  
12 and one-half per cent of the amounts paid to payees or their in-  
13 dorsers, under section one (1) of this Act on behalf of the  
14 drawer until the drawer satisfies his obligation to the drawee.

15 Sec. 3. A bank may pay a check or draft in excess of twenty-  
16 five dollars, where the drawer has insufficient funds on deposit  
17 with the drawee, in reliance on the credit of the maker or drawer  
18 and is hereby permitted to charge the same fee on the excess as  
19 permitted by section two (2) of this Act.

20 Sec. 4. The title is amended by striking from page 1, line 1,  
21 the word "false" and inserting after the word "checks" the words  
22 "without sufficient funds on deposit to the drawer or maker".

Filed  
March 18, 1969

By REICHARDT

- 1 Amend the Reichardt \_\_\_\_\_ te File 139 filed on  
2 March 18, 1969, as follows:  
3 1. By inserting at the end of line 4 the word  
4 "personalized".  
5 2. By inserting in line 5 after the word "drafts"  
6 the words "accompanied by the bank's credit card".  
7 3. By inserting in line 12 after the word "per cent"  
8 the words "per month".

Filed  
March 19, 1969

By REICHARDT

- 1 Amend Senate File 139 in line seventeen (17)  
2 by inserting after the word "notice" the words  
3 "by certified mail".

Filed and adopted  
March 20, 1969

By SCHABEN

- 1 Amend Senate File 139 by striking from line  
2 eleven (11) the words, "prima facie".

Filed and lost *adopted 3-20*  
March 20, 1969

By O'MALLEY

- 1 Amend Senate File 139 as follows:
- 2 1. By striking all of line 8.

Filed and lost  
March 20, 1969

By REICHARDT

- 1 Amend Senate File 139 as follows:
- 2 1. Page 1, line 17, preceding the word "that"
- 3 insert the following:
- 4 "or notice in the manner of serving
- 5 an original notice."

Filed and adopted  
March 21, 1969

By MOWRY

- 1 Amend Senate File 139 as follows:
- 2 After the word "be" in line 11 insert the words "material
- 3 and competent".

Filed and adopted  
March 21, 1969

By FLATT, O'MALLEY,  
and ARBUCKLE

March 21, 1969

SENATE FILE 139

By FLATT, SULLIVAN, LANGE, DeHART,  
KOSEK, MOGGED, THORSEN, KYHL,  
CURRAN, ERSKINE, POTTER, LUCKEN,  
BALLOUN, WALSH, SHAFF, NICHOLSON,  
BRILES, VAN GILST, MCGILL,  
COLEMAN and KLINK  
(Van Drie, Tieden, Winkelman,  
Miller of Des Moines, Sorg, Radl,  
Mohrfeld, Cunningham, Voorhees,  
Van Roekel, Renda, Stromer,  
Shepherd, Pierson, Mayberry,  
Millen and Wolfe)  
(AS PASSED BY THE SENATE)

Passed Senate, Date 3-21-69 Passed House, Date 3-26-69

Vote: Ayes 48 Nays 11 Vote: Ayes 103 Nays 15

Approved April 18, 1969

*Passed Senate per Conference  
Committee Report  
4-11-69  
aye 41, nay 14*

*Passed House per Conference  
Committee Report 4-14  
aye 100, nay 12*

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- 12 of intent to defraud and of knowingly not having an arrange-
- 13 ment, understanding, or funds with such bank, person, or
- 14 corporation sufficient to meet or pay the check, draft, or
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- 19 such check, draft, or written order has not been paid by
- 20 the drawee."

*3/28 Conference Committee  
Senators Flatt,  
Arbuckle, Shiley,  
and Shaff  
Representatives Van  
Nestor, Van Drie,  
Bailey, and Radl.*

1 Amend Senate File 139 by adding the following new  
2 section:  
3 "Sec. 2. There is hereby appropriated from the general  
4 fund for the purpose of building, staffing, and maintain-  
5 ing additional county jail facilities to house additional  
6 inmates provided in this Act, fifty thousand dollars  
7 (\$50,000.00) for each county with a population greater  
8 than fifty thousand (50,000) and less than one hundred  
9 thousand (100,000); the sum of one hundred thousand dollars  
10 (\$100,000.00) for each county with a population greater  
11 than one hundred thousand (100,000) and less than two  
12 hundred thousand (200,000); and the sum of two hundred  
13 fifty thousand dollars (\$250,000.00) for each county with  
14 a population greater than two hundred thousand (200,000)."

Filed and ruled out of order  
March 26, 1969

JESSE of Polk

1 Amend Senate File 139 as follows:  
2 By striking from line eleven (11) the words "material and  
3 competent" and inserting in lieu thereof the words "prima facie".

Filed and adopted  
March 26, 1969

VAN NOSTRAND of Pottawattamie  
McCORMICK of Delaware

1 Amend Senate File 139 as follows:  
2 By striking from line eleven (11) the words "material  
3 and competent" and inserting in lieu thereof the words  
4 "prima facie".

March 27, 1969

*Senate refused to concur 3-28  
House insists 3-28*

F

CONFERENCE COMMITTEE REPORT  
ON SENATE FILE 139

To the President of the Senate and the Speaker of the House:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and House on Senate File 139, an act relating to false drawing or uttering of checks, begs leave to report and make the following recommendations:

That Senate File 139 as passed by the Senate be amended as follows:

By striking from line eleven (11) the words "material and competent" and inserting in lieu thereof the words "prima facie".

JOSEPH B. FLATT, Chairman  
R. DEAN ARBUCKLE  
ALAN SHIRLEY  
ROGER J. SHAFF  
On the Part of the Senate

MAURICE VAN NOSTRAND, Chairman  
RUDY VAN DRIE  
RAY V. BAILEY  
RICHARD M. RADL  
On the Part of the House

*Senate adopted  
4-11-69  
House adopted  
4-14-69*