

FEB 26 2003  
Place On Calendar

HOUSE FILE 319  
BY COMMITTEE ON COMMERCE,  
REGULATION AND LABOR

(SUCCESSOR TO HSB 104)

Passed House, Date Passed 3/5/03 <sup>4/21/03</sup> Passed Senate, Date Passed 4/7/03  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved 5/1/03

A BILL FOR

1 An Act permitting written demand via regular mail prior to an  
2 action under the uniform commercial code for recovery of civil  
3 damages for a dishonored check, draft, or order, when  
4 supported by an affidavit of service.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 319

1 Section 1. Section 554.3513, subsection 1, paragraph b,  
2 Code 2003, is amended to read as follows:

3 b. The written demand notified the defendant that treble  
4 damages would be sought if the face value of the dishonored  
5 check was not paid within thirty days of receipt, and was  
6 received by the defendant ~~through personal~~ via any of the  
7 following methods:

8 (1) Personal service or-restricted.

9 (2) Restricted certified mail.

10 (3) Regular mail to at least one of the following  
11 addresses, supported by an affidavit of service retained by  
12 the payee or holder of the dishonored check, which affidavit  
13 shall be conclusive evidence of the receipt of the demand by  
14 the maker three days from the date of execution of the  
15 affidavit:

16 (a) The address printed or written on the check.

17 (b) The address given by the drawer at the time of  
18 issuance of the check.

19 (c) The last known address of the drawer.

20 EXPLANATION

21 This bill amends Code section 554.3513, which addresses the  
22 uniform commercial code procedures for recovery of civil  
23 damages for a dishonored check, draft, or order. Code section  
24 554.3513 requires the holder of a dishonored check to take  
25 certain steps as a prerequisite to seeking civil damages  
26 pursuant to this Code section, including making a written  
27 demand for payment of the check not less than 30 days prior to  
28 filing suit against the defendant. The bill adds a method  
29 through which that written demand can be made upon the  
30 defendant, regular mail supported by affidavit. The affidavit  
31 is retained by the holder of the dishonored check, and is  
32 conclusive evidence of receipt of the demand by the maker  
33 three days from the date of execution of the affidavit.

34 Current Code language requires the written demand to be  
35 made by personal service or restricted certified mail. Code

1 section 618.15 defines "restricted certified mail" to mean any  
2 form of certified mail carrying the endorsement, "deliver to  
3 addressee only", and for which the post office provides the  
4 mailer with a return receipt showing the date of delivery, the  
5 place of delivery, and the person to whom delivered.

6 **HOUSE FILE 319**

7 **S-3063**

8 1 Amend House File 319, as passed by the House, as  
9 2 follows:

10 3 1. Page 1, line 13, by striking the word  
11 4 "conclusive" and inserting the following:  
12 5 "presumptive".

By STEVEN H. WARNSTADT

13 **S-3063 FILED MARCH 18, 2003**

14 *Out of order*

16 **HOUSE FILE 319**

17 **S-3092**

18 1 Amend House File 319, as passed by the House, as  
19 2 follows:

20 3 1. Page 1, line 13, by striking the word  
21 4 "conclusive" and inserting the following:  
22 5 "presumptive".

By COMMITTEE ON COMMERCE  
JEFF ANGELO, Chairperson

23 **S-3092 FILED MARCH 25, 2003**

24 *Adopted 4/2/03*

27 **SENATE AMENDMENT TO  
HOUSE FILE 319**

28 **H-1283**

29 1 Amend House File 319, as passed by the House, as  
30 2 follows:

31 3 1. Page 1, line 13, by striking the word  
32 4 "conclusive" and inserting the following:  
33 5 "presumptive".

RECEIVED FROM THE SENATE

33 **H-1283 FILED APRIL 8, 2003**

34 *House concurred 4/21/03*

Sands, Chair

J.K. Van Fossen

Connors

HSB 104

COMMERCE, REGULATION & LABOR

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
COMMERCE, REGULATION  
AND LABOR BILL BY  
CHAIRPERSON HANSEN)

319

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act permitting written demand via regular mail prior to an  
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7 following methods:

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9 (2) Restricted certified mail.

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11 addresses, supported by an affidavit of service retained by  
12 the payee or holder of the dishonored check, which affidavit  
13 shall be conclusive evidence of the receipt of the demand by  
14 the maker three days from the date of execution of the  
15 affidavit:

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18 issuance of the check.

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AN ACT

PERMITTING WRITTEN DEMAND VIA REGULAR MAIL PRIOR TO AN ACTION UNDER THE UNIFORM COMMERCIAL CODE FOR RECOVERY OF CIVIL DAMAGES FOR A DISHONORED CHECK, DRAFT, OR ORDER, WHEN SUPPORTED BY AN AFFIDAVIT OF SERVICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 554.3513, subsection 1, paragraph b, Code 2003, is amended to read as follows:

b. The written demand notified the defendant that treble damages would be sought if the face value of the dishonored check was not paid within thirty days of receipt, and was received by the defendant ~~through-personal~~ via any of the following methods:

(1) Personal service or-restricted.

(2) Restricted certified mail.

(3) Regular mail to at least one of the following addresses, supported by an affidavit of service retained by the payee or holder of the dishonored check, which affidavit shall be presumptive evidence of the receipt of the demand by the maker three days from the date of execution of the affidavit:

(a) The address printed or written on the check.

(b) The address given by the drawer at the time of issuance of the check.

(c) The last known address of the drawer.

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CHRISTOPHER C. RANTS  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 319, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2003

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THOMAS J. VILSACK  
Governor