

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws. 2003



HOUSE BILL 03-1301

BY REPRESENTATIVE(S) Hall, Hoppe, Young, Boyd, Fritz, Stafford,
and Stengel;
also SENATOR(S) Teck, Anderson, Arnold, Groff, and Kester.

CONCERNING THE PENALTIES FOR PERSONS WHO ISSUE CHECKS TO THE
DEPARTMENT OF REVENUE THAT ARE RETURNED AS UNPAID FOR ANY
REASON CAUSED BY THE MAKER.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 24-35-114, Colorado Revised Statutes, is amended to read:

24-35-114. Civil penalty for unpaid checks. (1) The executive director of the department of revenue, or such executive director's delegate, shall assess a ~~fifteen-dollar~~ FORTY-ONE-DOLLAR penalty against any person who issues a check returned for ~~insufficient funds~~ ANY OF THE REASONS SET FORTH IN SUBSECTION (2) OF THIS SECTION to the department of revenue in payment of taxes, licenses, or fees collectible by the department of revenue for this state. The penalty provided for in this section shall be assessed in addition to any other penalties or interest provided by law, but shall not be

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

assessed for checks ~~returned for insufficient funds~~ issued pursuant to section 42-4-1701 (5), C.R.S., as a penalty assessment. ~~For the purposes of this section, the term "insufficient funds" means not having a sufficient balance in account with a bank or other drawee for the payment of a check when presented for payment within thirty days after issue.~~

(2) THE PENALTY IN SUBSECTION (1) SHALL APPLY TO A CHECK THAT IS RETURNED TO THE DEPARTMENT OF REVENUE WITHOUT PAYMENT BECAUSE OF INSUFFICIENT FUNDS, A CLOSED ACCOUNT, OR A STOP PAYMENT ORDER ON THE CHECK.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2003, and shall apply to all checks received by the department of revenue on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Lola Spradley
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John Andrews
PRESIDENT OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Mona Heustis
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO