

What's Up

In the World of Collections

A Publication of Commercial Collection Corp. of NY

June 2009



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Bad Check Laws

While there are differences among the states as to how bad checks are viewed (whether a misdemeanor or a felony) and the remedies available to holders of the bad check against the drawer, there are several general factors that run through the majority of state laws:

1. In all states the maker of the check, who tenders a check knowing there are insufficient funds or credit behind the check, may be guilty of a crime and may be subject to civil penalties.
2. In the majority of states the crime is treated as a misdemeanor. In states that make a distinction regarding a misdemeanor or felony, the amount of the check usually determines if the crime is a misdemeanor or a felony. In several states the law provides for fines and/or imprisonment, but does not specify if the crime is a misdemeanor or felony.
3. In some states there is a criminal offense only when the bad check is given in exchange for property or for a present consideration. In other states, it is a criminal offense to issue a bad check with intent to defraud or with knowledge of insufficient funds.
4. The intent to defraud and knowledge of insufficient funds are required to be present by most states' bad check laws. The intent to defraud is sufficient. It is not necessary for the payee to have actually been defrauded.

5. In most states statutory provisions provide that it is prima facie evidence of insufficient funds (or of intent to defraud) if: (a) the check was not paid by the drawee (bank) on presentation for payment and

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SPECIAL ANNOUNCEMENT

Our *NEW* enclosed "What's Up" Special Placement Form can be Faxed or it can now be sent

Electronically

Visit our Home Page at
www.commercialcollection.com
Click on
Special Placement Form

Please remember that this form can only be used ONCE and must be in our office no later than.....**July 8, 2009.**

Daring ideas are like chessmen moved forward; they may be beaten, but they may start a winning game.

~Goethe

Sincerity

The most exhausting thing in life, I have discovered, is insincerity.

~Anne Morrow Lindbergh



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5. (b) the drawer did not pay the check within a specified number of days after written notice to the drawer of dishonor of the check.
6. In many states the criminal provisions regarding bad checks do not apply to postdated checks. Because postdated checks are a promise to pay in the future, they are not technically viewed as checks. It has generally been held that postdated checks are not within the scope of most states' bad check laws.

One way of getting the truth.

There's a story of a man at a payphone in a restaurant making a call.

It is generally held that the giving of a bad check in payment of a preexisting debt does not fall within the purview of most states' bad check laws. Since the debt is preexisting, the maker of the check did not deprive the payee of any right, procure anything of value from the payee or wrongfully appropriate anything belonging to the payee.

Information from CLLA "NSF Check Pamphlet"

Please call Judy Mattioli at 1-800-873-5212 or e-mail her at jmattioli@commercialcollection.com for information on a specific state.

From a speech by Southwestern Bell Vice President for External Affairs Cassandra Carr

Commercial Collection Corp. of NY is an authorized Experian reseller.

In today's economic climate, keeping a close eye on credit extension and your accounts receivable can be key components to a company's bottom line. Having the ability to pull credit reports at your convenience can provide an additional tool to protect your interests. Through our new system, we can provide desktop access to the Experian database allowing you to pull domestic credit reports at your convenience. Clients that do not want direct access to Experian can have CCC of NY pull and transmit credit reports upon request.

No up-front money or retainer is needed for this service as it is on a monthly billing cycle.

We now offer volume discounts, and new customers will receive **10%** off their first monthly billing. Contact a CCC of NY representative for any additional information or questions.

You are walking through a field, and you find something to eat. It doesn't have bones, and it doesn't have meat. You pick it up and put it in your pocket. You take it home and put it on your shelf, but 3 days later it walks away. What is it?

Answer to last Brain Teaser: Corn on the Cob

1. Ray Sheley III (Rochester, NY) 2. Sherry Smith (Marietta, GA)
3. Dave Abel (Carnegie, PA)
4. Donna Hanks (Greenville, SC) 5. Debbie Brown (Macedonia, OH)

All answers to be placed on enclosed Special Placement Form. 5 Special Placement Forms will be pulled at random & sent a FREE Gift.

IRTHDAY!!
Taurus ♉ **Gemini** ♊