

Service Fees for Returned Checks

Revised for August 2004

INTERNET & CHECK SERVICES PROGRAM

ACA International

Alabama\$30 <i>Ala. Code § 8-8-15 (2002).</i>	Idaho\$20 or the face amount of the check, whichever is the lesser, plus 12% interest per annum from the date of dishonor <i>Idaho Code § 28-22-105 (2002).</i>
Alaska\$25 <i>Alaska Stat. § 09.68.115 (2002). As of September 14, 2004, \$30.</i>	Illinois\$25 or all costs and expenses including reasonable attorney's fees incurred in collection of check, whichever is greater <i>810 Ill. Comp. Stat. 5/3-806 (2002).</i>
Arizona\$25, plus any actual charges assessed by the financial institution of the holder, payee or assignee of the holder or payee as a result of the dishonored instrument <i>Ariz. Rev. Stat. § 44-6852 (2003).</i>	IndianaAn amount not to exceed \$20, plus an amount equal to the actual charge by the depository institution for each returned or dishonored instrument. <i>Ind. Code § 26-1-3.1-502.5 (2002).</i>
Arkansas\$25, plus the amount of any fees charged to the holder of the check by any financial institution as a result of the check not being honored <i>Ark. Code Ann. § 4-60-103 (2002).</i>	Iowa\$30 <i>Iowa Code § 554.3512 (2003).</i>
California\$25 for the first check and a service fee of up to \$35 for each subsequent check to that same payee <i>Cal. Civ. Code § 1719 (2003).</i>	Kansas Not to exceed \$30 <i>Kan. Civ. Proc. Code Ann. § 60-2610 (2002).</i>
Colorado\$20 posted at point-of-sale and, if the NSF check has been assigned to a licensed collection agency for collection, 20% of the face amount of the check, but not less than \$20 <i>Colo. Rev. Stat. § 13-21-109 (2002).</i>	Kentucky\$25 posted at point-of-sale <i>Ky. Rev. Stat. Ann. § 5 14.040 (2002).</i>
Connecticut\$20 <i>Conn. Gen. Stat. § 52-565a (2003).</i>	Louisiana\$25 or 5% of face amount, whichever is greater, posted at the point-of-sale <i>La. Rev. Stat. Ann. § 9:2782 (2002).</i>
DelawareUndetermined *	MaineUndetermined *
District of Columbia ...\$15 or fee prescribed by Mayor, but only for dishonored checks in payment of any tax assessment or fees due to the government of the District of Columbia <i>D.C. Code Ann. § 1-333.11 (2002).</i>	Maryland Up to \$35. <i>Md. Code Ann., Com. Law § 15-802 (2002).</i>
Florida\$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, or 5% of the face amount of the check, whichever is greater <i>Fla. Stat. ch. 68.065 (2002).</i>	MassachusettsUndetermined *
Georgia \$30 or 5 percent of the instrument, plus the amount of any fees charged to the holder of the instrument by a bank or financial institution as a result of the instrument not being honored. <i>Ga. Code Ann. § 13-6-15 (2002).</i>	Michigan\$25 to be paid within 7 days, excluding weekends & holidays, after notice was mailed. If not paid as requested above, but within 30 days after notice was mailed, the service fee is \$35. <i>Mich. Comp. Laws § 600.2952 (2002).</i>
Hawaii\$20. <i>Haw. Rev. Stat. § 490:3-506.5 (2002).</i>	MinnesotaNot to exceed \$30; posted conspicuously at point-of-sale <i>Minn. Stat. § 604.113 (2002).</i>
	Mississippi\$40 (Effective July 1, 2004) <i>Miss. Code Ann. § 97-19-57 (2004).</i>

THIS INFORMATION IS NOT INTENDED AS LEGAL ADVICE AND MAY NOT BE USED AS LEGAL ADVICE. ANY INFORMATION CONTAINED IN THIS MATERIAL IS SUBJECT TO CHANGE AND INTERPRETATIONS OF THE STATUTES MAY VARY. THIS INFORMATION SHOULD NOT BE USED TO REPLACE THE ADVICE OF YOUR OWN LEGAL COUNSEL. THE ABOVE INFORMATION IS A SUMMARY OF THE APPLICABLE STATUTES. THE STATUTES SHOULD BE REVIEWED IN THEIR ENTIRETY FOR A COMPLETE UNDERSTANDING OF THE LAW REGARDING SERVICE FEES.

Missouri..... A reasonable service charge, not to exceed \$25, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument.
Mo. Rev. Stat. § 570.120 (2003).

Montana.....Up to \$30
Mont. Code Ann. § 27-1-717 (2002).

Nebraska.....Undetermined *, but for NSF checks written for the ***purchase of goods***, Neb. Rev. Stat. § 2-710 (2002) provides a seller or a person in the position of the seller, one who has become responsible for the price of the goods on behalf of his principal, may assess a buyer for incidental damages incurred as a result of the buyer's breach. Such incidental damages may include any commercially reasonable charges.
See Freyermuth v. Credit Bureau Services, Inc., 248 F.3d 767 (8th Cir. 2001).

Nevada.....Up to \$25
Nev. Rev. Stat. § 597.960 (2002).

New Hampshire.....Not more than \$25 unless otherwise expressly authorized by written agreement with the consumer
N.H. Rev. Stat. Ann. § 358-C:5 (2002).

New Jersey.....Undetermined *

New Mexico.....Undetermined *

New York.....The lesser of the amount agreed upon, if contracted for, or \$20
N.Y. Gen. Oblig. Law § 5-328 (2003).

North Carolina.....\$25
N.C. Gen. Stat. § 25-3-506 (2003).

North Dakota.....\$25
N.D. Cent. Code § 6-08-16.2 (2001).

Ohio.....\$30 or 10% of the face amount of the instrument, whichever is greater, plus the amount of any fees charged to the holder of the check by any financial institution as a result of the check not being honored
Ohio Rev. Code Ann. § 1319.16 (2003).

Oklahoma.....Undetermined *

Oregon.....\$25
Or. Rev. Stat. § 30.701 (2001).

Pennsylvania.....Undetermined *

Rhode Island..... \$25
R.I. Gen. Laws. § 6-42-3 (2002).

South Carolina.....\$30
S. C. Code Ann. § 34-11-70 (2002).

South Dakota..... \$30 plus any applicable sales tax, posted conspicuously at point-of-sale
S.D. Codified Laws § 57A-3-421 (2001).

Tennessee.....An amount not to exceed \$20
Tenn. Code Ann. § 47-29-102 (2002).

Texas.....\$30
Tex. Bus. & Com. Code Ann. § 3.506 (2001).

Utah.....\$20
Utah Code Ann. § 7-15-1 (2002).

Vermont.....Undetermined *

Virginia.....\$35, plus legal interest from the date of the check and the bad check return fee charged to the holder by his bank
Va. Code Ann. § 8.01-27.1 (2003).

Washington.....Reasonable handling fee; when not paid within 15 days, a collection cost not to exceed \$40 or face amount of check, whichever is less and interest at 12% per year from date of dishonor
Wash. Rev. Code § 62A.3-515 (2003).

West Virginia.....\$25
W. Va. Code § 61-3-39e (2003).

Wisconsin.....All reasonable costs and expenses in connection with the collection of the amount for which the check or draft was written
Wis. Stat. § 403.414 (2003).

Wyoming.....\$30
Wyo. Stat. Ann. § 1-1-115 (2002).

*Undetermined means that a specific service charge has not been set by state statute. **See the full state's statutes** for remedies by civil action or criminal penalties which may allow a civil penalty assessment.

It is suggested that service fees be posted at the point-of-sale in all states. ACA cannot be responsible for recent changes in the law regarding service charges and civil penalties. Remember to check with your attorney before establishing any procedures based upon this information.

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For more information on each state's check laws, including criminal penalties, contact ACA Member Services for purchase and update information on the *ICSP Statutory Penalties Guide*.