

SECOND REGULAR SESSION

HOUSE BILL NO. 1754

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SAGER.

Read 1st time April 27, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5082L.011

AN ACT

To repeal section 570.125, RSMo, and to enact in lieu thereof two new sections relating to fraudulently stopping payment of an instrument, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 570.125, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 570.125 and 570.127, to read as follows:

570.125. 1. A person commits the crime of "fraudulently stopping payment of an instrument **for services**" if he **or she**, knowingly, with the purpose to defraud, stops payment on a check or draft given in payment for the receipt of [goods or] services.

2. Fraudulently stopping payment of an instrument **for services** is a class A misdemeanor, unless the face amount of the check or draft is five hundred dollars or more or, if the stopping of payment of more than one check or draft is involved in the same course of conduct[,] **and** the aggregate amount is five hundred dollars or more, in which case the offense is a class D felony.

3. It shall be prima facie evidence of a violation of this section if a person stops payment on a check or draft and fails to make good the check or draft, or [return or make and comply with reasonable arrangements to return the property for which the check or draft was given in the same or substantially the same condition as when received] **to return to the person who rendered the service and to inform such person that payment was stopped because the service rendered was substandard and to request that such person remedy the situation** within ten days after notice in writing from the payee that the check or draft has not been paid because of a stop payment order by the issuer to the drawee.

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

17 4. "Notice in writing" means notice deposited as certified or registered mail in the United
18 States mail and addressed to the issuer at his address as it appears on the dishonored check or
19 draft or to his last known address. The notice shall contain a statement that failure to make good
20 the check or draft within ten days of receipt of the notice may subject the issuer to criminal
21 prosecution.

**570.127. 1. A person commits the crime of "fraudulently stopping payment of an
2 instrument for goods" if he or she, knowingly stops payment on a check or draft given in
3 payment for the receipt of goods.**

4 **2. Fraudulently stopping payment of an instrument for goods is a class A**
5 **misdemeanor, unless the face amount of the check or draft is five hundred dollars or more**
6 **or, if the stopping of payment of more than one check or draft is involved in the same**
7 **course of conduct and the aggregate amount is five hundred dollars or more, in which case**
8 **the offense is a class D felony.**

9 **3. It shall be prima facie evidence of a violation of this section if a person stops**
10 **payment on a check or draft and fails to make good the check or draft, or return or make**
11 **and comply with reasonable arrangements to return the property for which the check or**
12 **draft was given in the same or substantially the same condition as when received within ten**
13 **days after notice in writing from the payee that the check or draft has not been paid**
14 **because of a stop payment order by the issuer to the drawee.**

15 4. "Notice in writing" means notice deposited as certified or registered mail in the
16 United States mail and addressed to the issuer at his address as it appears on the
17 dishonored check or draft or to his last known address. The notice shall contain a
18 statement that failure to make good the check or draft within ten days of receipt of the
19 notice may subject the issuer to criminal prosecution.