

RCW 62A.3-540 Collection agencies—Statutory form for notice of dishonor. (1) If a check is assigned or written to a collection agency as defined in RCW 19.16.100 and the collection agency or its agent provides a notice of dishonor, the notice of dishonor may be sent by mail to the drawer at the drawer's last known address. The drawer is presumed to have received the notice of dishonor three days from the date it is mailed. The collection agency may, as an alternative to providing a notice in the form described in RCW 62A.3-520, provide a notice in substantially the following form:

NOTICE OF DISHONOR OF CHECK

A check drawn by you and made payable by you to in the amount of has not been accepted for payment by, which is the drawee bank designated on your check. This check is dated, and it is numbered, No.

You are CAUTIONED that unless you pay the amount of this check and a handling fee of within thirty-three days after the date this letter is postmarked or personally delivered, you may very well have to pay the following additional amounts:

- (a) Costs of collecting the amount of the check in the lesser of the check amount or forty dollars;
- (b) Interest on the amount of the check which shall accrue at the rate of twelve percent per annum from the date of dishonor; and
- (c) Three hundred dollars or three times the face amount of the check, whichever is less, plus court costs and attorneys' fees, by award of the court in the event of legal action. Note that this caution regarding increased amounts in any possible legal action is advisory only and should not be construed as a representation or implication that legal action is contemplated or intended.

You are also CAUTIONED that law enforcement agencies may be provided with a copy of this notice of dishonor and the check drawn by you for the possibility of proceeding with criminal charges if you do not pay the amount of this check within thirty-three days after the date this letter is postmarked.

You are advised to make your payment of \$. to at the following address:

(2) The cautionary statement regarding law enforcement in subsection (1) of this section need not be included in a notice of dishonor sent by a collection agency. However, if included and whether or not the collection agency regularly refers dishonored checks to law enforcement, the cautionary statement in subsection (1) of this section shall not be construed as a threat to take any action not intended to be taken or that cannot legally be taken; nor shall it be construed to be harassing, oppressive, or abusive conduct; nor shall it be construed to be a false, deceptive, or misleading representation; nor shall it be construed to be unfair or unconscionable; nor shall it otherwise be construed to violate any law.

(3) In addition to sending a notice of dishonor to the drawer of the check under this section, the person sending notice shall execute an affidavit certifying service of the notice by mail. The affidavit of service by mail must be substantially in the following form:

AFFIDAVIT OF SERVICE BY MAIL

I,, hereby certify that on the day of, 20. . . ., a copy of the foregoing Notice was served

on by mailing via the United States Postal Service,
postage prepaid, at, Washington.

Dated:

(Signature)

(4) The person enforcing a check under this section shall file
the affidavit and check, or a true copy thereof, with the clerk of the
court in which an action on the check is commenced as permitted by
court rule or practice. [2009 c 185 s 1; 2005 c 277 s 4.]

Intent—2005 c 277: See note following RCW 62A.3-530.