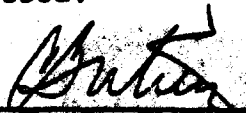


SEVENTEENTH GUAM LEGISLATURE  
1984 (SECOND) Regular Session

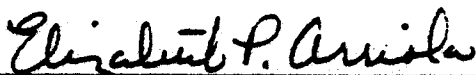
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 589, "AN ACT TO IMPOSE DAMAGES AND ATTORNEYS' FEES FOR FAILURE TO MAKE GOOD A BOUNCED CHECK," was on the 18th day of July 1984, duly and regularly passed.



CARL T. C. GUTIERREZ  
Speaker

Attested:

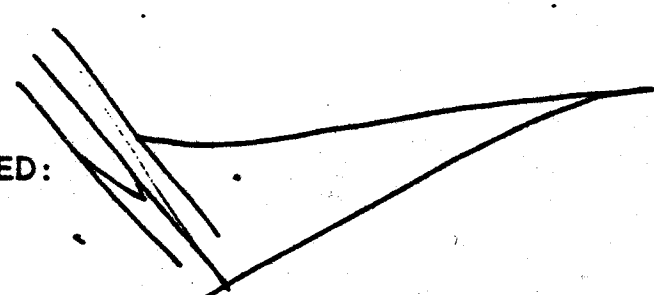


ELIZABETH P. ARRIOLA  
Senator and Legislative Secretary

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This Act was received by the Governor this 23<sup>rd</sup> day of July 1984, at 3:06 o'clock p.m.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
RICARDO J. BORDALLO  
Governor of Guam

Date: July 26, 1984

Time: 6:44 pm

Public Law No. 17-60

SEVENTEENTH GUAM LEGISLATURE  
1984 (SECOND) Regular Session

Bill No. 589

Introduced by:

J. H. Underwood  
C. T. C. Gutierrez  
E. P. Arriola

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P. C. Lujan  
J. P. Aguon  
A. C. Lamorena III  
J. F. Quan  
T. S. Nelson  
J. F. Ada  
E. R. Duenas  
F. J. Gutierrez  
M. K. Hartsock  
M. D. A. Manibusan  
F. J. Quitugua  
F. R. Santos  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO IMPOSE DAMAGES AND ATTORNEYS' FEES  
FOR FAILURE TO MAKE GOOD A BOUNCED CHECK.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. New Sections 3443 and 3444 are hereby added to the Civil  
3 Code of Guam to read:

4 "\$3443. Any person who makes, utters, draws or delivers any  
5 check, or draft, or order upon any bank of depository, or upon or to  
6 any person, or firm, or corporation, for the payment of money,  
7 payment of which instrument is refused or dishonored for lack of  
8 funds or credit to pay, or because the maker has no account with the  
9 drawee under the account number specified in the check, draft or  
10 order and who fails to pay to the payee or payee's transferee the  
11 amount thereof together with such charges as may be lawfully imposed  
12 on account thereof, in cash or other medium satisfactory to the payee  
13 or transferee, within thirty (30) days following a written demand  
14 therefor delivered personally to the maker, or mailed to the maker by  
15 certified mail to the address shown on the check, draft or order or

1 such other address of the maker as may be actually known by the  
2 payee or transferee, shall be liable to the payee or transferee for the  
3 amount owing upon such check, draft or order, plus interest or other  
4 damages claimed or, at the election of the payee or transferee,  
5 damages of treble the face amount of the check, but in no case less  
6 than \$50.00 nor more than \$750.00 in respect of any such instrument.  
7 It is a condition of the award of treble damages herein provided that  
8 the said notice shall contain a statement substantially as follows, in  
9 capital, bold or other contrasting type, or in any other manner which  
10 the court reasonably determines as conspicuous:

11 'YOUR FAILURE TO PAY THE CHECK  
12 AMOUNT TOGETHER WITH ANY LAWFUL  
13 CHARGE WITHIN 30 DAYS FOLLOWING  
14 DELIVERY OR MAILING OF THIS NOTICE  
15 MAY RESULT IN A COURT JUDGMENT  
16 AGAINST YOU FOR THREE TIMES THE  
17 AMOUNT OF THE CHECK. (CIVIL CODE  
18 §3443.)'

19 A cause of action under this section may be brought in Small Claims  
20 Court if it does not exceed the jurisdiction of that court, or in any  
21 other appropriate court. The right to treble damages provided herein  
22 shall not accrue, and no action shall be brought therefore, until after  
23 the aforesaid 30-day notice period.

24 §3444. In any action brought by the payee, or the payee's  
25 transferee, after the notice period hereinbelow provided, to collect any  
26 sum owing by any person who makes, utters, draws or delivers any  
27 check, or draft, or order to or upon any bank or depository, or  
28 person, or firm, or corporation, for the payment of money, payment of  
29 which instrument is refused or dishonored for lack of funds or credit  
30 to pay, or because the maker has no account with the drawee under  
31 the account number specified in the instrument, after failure to pay  
32 the amount thereof together with such charges as may be lawfully  
33 imposed thereupon, in cash or other medium satisfactory to the payee  
34 or transferee, within thirty (30) days following a written demand

1 therefor delivered to the maker personally or mailed to the maker by  
2 certified mail to the address shown on the check, draft or order or  
3 such other address of the maker as may be actually known by the  
4 payee or transferee, and regardless whether the payee has elected the  
5 treble damages provided by §3443 of the Civil Code, the payee or the  
6 payee's transferee shall be entitled to reasonable attorneys' fees as  
7 awarded by the court, but not less than \$25.00 nor more than \$250.00  
8 in respect of each such check, draft or order. Said notice shall  
9 contain a statement substantially as follows, in a conspicuous manner:

10 'IF YOU HAVE NOT PAID THIS CHECK- AND  
11 ALLOWABLE CHARGES WITHIN 30 DAYS OF  
12 DELIVERY OR MAILING OF THIS NOTICE,  
13 AND SUIT IS BROUGHT TO COLLECT THE  
14 AMOUNTS OWING UNDER THE CHECK, THE  
15 COURT MUST AWARD ATTORNEYS' FEES AS  
16 PROVIDED IN CIVIL CODE §3444.'

17 Attorneys' fees shall be allowed to any plaintiff employing or retaining  
18 an attorney in the action, however the limitation on attorneys' fees  
19 shall not apply to any post judgment representation. The court may,  
20 in its discretion, award the plaintiff additional attorneys' fees in such  
21 amount as it deems appropriate for representation in any post judgment  
22 collection matter."

23 Section 2. Section 4 of Public Law 17-24 as repealed and reenacted by  
24 Section 44 of Public Law 17-26 and further amended by Section 4 of Public  
25 Law 17-50 is further amended to read:

26 "§4. No revenue from duties and taxes covered into the  
27 Treasury of Guam pursuant to Section 30 of the Organic Act of Guam,  
28 as amended, shall be used to pay debts or obligations incurred prior  
29 to September 30, 1983, except as hereinafter provided. Section 30  
30 funds may be used for the purposes authorized by Section 7 of  
31 Chapter II of Public Law 17-25. One Million Five Hundred Thousand  
32 Dollars (\$1,500,000) is appropriated from the General Fund for the  
33 purpose of authorizing the payment of all just claimants, specifically  
34 including those vendors who provided services or property to the

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Government of Guam during Fiscal Year 1983. Such amounts from this appropriation as are necessary to satisfy settlements or judgments arising from claims or suits shall be deposited in the Claims Fund and payments pursuant to these settlements or judgments shall, upon the approval of the Governor, be from that fund."