

CHAPTER 687

S.B. No. 1083

AN ACT

relating to issuance of and collection of fees on bad checks.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subsection (a), Section 1, Chapter 617, Acts of the 68th Legislature, Regular Session, 1983 (Article 9022, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The holder of a check or its assignee, agent, representative, or any other person retained by the holder to seek collection of the face value of the dishonored check on return of the check to the holder following its dishonor by a payor may charge the drawer or endorser a reasonable processing fee, which shall not exceed \$15. *Notwithstanding any other provisions of law, a loan agreement made under Chapter 3 or 4, Title 79, Revised Statutes (Article 5069-1.01 et seq., Vernon's Texas Civil Statutes), may provide that on return of a dishonored check given in payment under the agreement, the holder may charge the obligor under the agreement the processing fee authorized by this Act, and the fee may be added to the unpaid balance owed under the agreement, except that interest may not be charged on the fee during the term of the agreement.*

SECTION 2. Section 32.41, Penal Code, is amended by adding Subsection (g) to read as follows:

*(g) An offense under this section is not a lesser included offense of an offense under Section 31.03 or 31.04 of this code.*

SECTION 3. (a) The change in law made by this Act applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 21, 1987, by the following vote: Yeas 29, Nays 1; and that the Senate concurred in House amendment on June 1, 1987, by the following vote: Yeas 31, Nays 0. Passed the House, with amendment, on May 29, 1987, by the following vote: Yeas 129, Nays 2, one present not voting.

Approved June 18, 1987.  
Effective June 18, 1987.