

## CHAPTER 109

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**COURTS**

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**HOUSE BILL 02-1334**

BY REPRESENTATIVE(S) Kester, Dean, Groff, Jameson, Marshall, and Schultheis;  
also SENATOR(S) Nichol, Anderson, and Entz.

**AN ACT****CONCERNING NOTICE OF DISHONOR OF NEGOTIABLE INSTRUMENTS BY MAIL.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 13-21-109 (3), Colorado Revised Statutes, is amended to read:

**13-21-109. Recovery of damages for checks, drafts, or orders not paid upon presentment.** (3) Notice that a check, draft, or order has not been paid upon presentment shall be in writing and given in person and receipted for, or by personal service, or by depositing the notice by certified mail, return receipt requested and postage prepaid, OR BY REGULAR MAIL SUPPORTED BY AN AFFIDAVIT OF MAILING SWORN AND RETAINED BY THE SENDER, in the United States mail and addressed to ~~such person at his~~ THE RECIPIENT'S most recent address known to the sender. If the notice is mailed and not returned as undeliverable by the United States postal service, notice shall be conclusively presumed to have been given on the date of mailing. For the purpose of this subsection (3), "undeliverable" does not include unclaimed or refused.

**SECTION 2. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to notices given on or after the applicable effective date of this act.

Approved: April 18, 2002