

## CHAPTER 302

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**GOVERNMENT - STATE**


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**HOUSE BILL 03-1301**

BY REPRESENTATIVE(S) Hall, Hoppe, Young, Boyd, Fritz, Stafford, and Stengel;  
also SENATOR(S) Teck, Anderson, Arnold, Groff, and Kester.

**AN ACT**

**CONCERNING THE PENALTIES FOR PERSONS WHO ISSUE CHECKS TO THE DEPARTMENT OF REVENUE  
THAT ARE RETURNED AS UNPAID FOR ANY REASON CAUSED BY THE MAKER.**

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

**SECTION 1.** 24-35-114, Colorado Revised Statutes, is amended to read:

**24-35-114. Civil penalty for unpaid checks.** (1) The executive director of the department of revenue, or such executive director's delegate, shall assess a ~~fifteen-dollar~~ FORTY-ONE-DOLLAR penalty against any person who issues a check returned for ~~insufficient funds~~ ANY OF THE REASONS SET FORTH IN SUBSECTION (2) OF THIS SECTION to the department of revenue in payment of taxes, licenses, or fees collectible by the department of revenue for this state. The penalty provided for in this section shall be assessed in addition to any other penalties or interest provided by law, but shall not be assessed for checks ~~returned for insufficient funds~~ issued pursuant to section 42-4-1701 (5), C.R.S., as a penalty assessment. ~~For the purposes of this section, the term "insufficient funds" means not having a sufficient balance in account with a bank or other drawee for the payment of a check when presented for payment within thirty days after issue.~~

(2) THE PENALTY IN SUBSECTION (1) SHALL APPLY TO A CHECK THAT IS RETURNED TO THE DEPARTMENT OF REVENUE WITHOUT PAYMENT BECAUSE OF INSUFFICIENT FUNDS, A CLOSED ACCOUNT, OR A STOP PAYMENT ORDER ON THE CHECK.

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 2003, and shall apply to all checks received by the department of revenue on or after said date.

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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.*

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 2003