

COLLECTION OF BAD CHECKS

Provisions	I. Small Claims Court (Idaho Code §1-2301A)	II. Point of Sale Notice (Idaho Code §28-22-105)	III. No Point of Sale Notice (Idaho Code §28-22-105)
A. Conditions which must be met:	<ol style="list-style-type: none"> 2. Claim is for under \$3,000.00. 3. Suit must be by owner of the check. The owner may be represented by an authorized agent, employee, or a collection agency with a permit issued to it pursuant to Idaho Code §26-2229, but not by an attorney. 4. Must give notice to debtor. 	<ol style="list-style-type: none"> 1. Notice posted conspicuously at the point of sale. 	<ol style="list-style-type: none"> 1. Notice to debtor per Idaho Code §28-22-105. 2. Sent by certified mail. 3. Consumer has 15 days to pay check.
B. Form of notice:	<ol style="list-style-type: none"> 1. Notice of dishonored check and that the debtor has 10 days in which he can pay for the check before suit is filed. 	<ol style="list-style-type: none"> 1. Notice must say set collection fee (up to \$20.00) will be charged if the check is returned. 	<ol style="list-style-type: none"> 1. Statutory form of notice (Idaho Code §28-22-105).
C. Cost to debtor:	<ol style="list-style-type: none"> 1. Face amount of check. 	<ol style="list-style-type: none"> 1. Face amount of check. 2. Collection fee as set out in Notice (up to \$20.00). 	<ol style="list-style-type: none"> 1. Face amount of check.
<ul style="list-style-type: none"> ● If paid within notice period: 	<ol style="list-style-type: none"> 1. Face amount of check 	<ol style="list-style-type: none"> 1. Face amount of check. 2. Collection fee as set out in Notice (up to \$20.00). 	<ol style="list-style-type: none"> 1. Face amount of check. 2. Interest at 12% per annum from date of dishonor until date paid. 3. Collection fee - the amount of the check up to \$20.00.
<ul style="list-style-type: none"> ● If paid after notice but before suit is filed: 	<ol style="list-style-type: none"> 1. Face amount of check 	<ol style="list-style-type: none"> 1. Face amount of check. 2. Collection fee as set out in Notice (up to \$20.00). 	<ol style="list-style-type: none"> 1. Face amount of check. 2. Interest at 12% per annum. 3. Collection fee - the amount of the check up to \$20.00.
<ul style="list-style-type: none"> ● If paid after judgement: 	<ol style="list-style-type: none"> 1. Damages equal to three times face amount of check with \$100.00 minimum and \$500.00 maximum. May be reduced at the discretion of the trial judge. 2. Court costs. 	<ol style="list-style-type: none"> 1. Face amount of check. 2. Collection fee as set out in Notice (up to \$20.00). 3. Attorney fees. 4. Other costs as determined by the court. 	<ol style="list-style-type: none"> 1. Face amount of check. 2. Interest at 12% per annum. 3. Collection fee - the amount of the check up to \$20.00. 4. Attorney fees (Idaho Code §28-22-105).
D. What the creditor may NOT collect:	<ol style="list-style-type: none"> 1. Attorney fees. 2. Interest. 3. Collection costs. 	<ol style="list-style-type: none"> 1. Interest. 2. Collection fee over Noticed amount (never over \$20.00). 3. Any other costs. 	<ol style="list-style-type: none"> 1. Collection costs exceeding \$20.00. 2. Interest exceeding 12% or for more that the time allowed. 3. Any other charges.