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By: **Delegate Getty**

Introduced and read first time: February 2, 2000

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **District Court - Civil Jurisdiction - Dishonored Checks and Other**  
3 **Instruments**

4 FOR the purpose of clarifying that the District Court of Maryland has exclusive  
5 original civil jurisdiction in an action for certain damages for a dishonored check  
6 or other instrument regardless of the amount in controversy; making stylistic  
7 changes; and generally relating to the exclusive original civil jurisdiction of the  
8 District Court of Maryland.

9 BY repealing and reenacting, with amendments,  
10 Article - Commercial Law  
11 Section 15-802  
12 Annotated Code of Maryland  
13 (1990 Replacement Volume and 1999 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Courts and Judicial Proceedings  
16 Section 4-401  
17 Annotated Code of Maryland  
18 (1998 Replacement Volume and 1999 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Commercial Law**

22 15-802.

23 (a) When a check or other instrument has been dishonored by nonacceptance  
24 or nonpayment and has not been paid within 10 days, the holder to whom the check  
25 or other instrument was issued or negotiated may send a notice of dishonor to the  
26 maker or drawer as provided under this section.

1 (b) If a check or other instrument has not been paid within 30 days after the  
2 holder has sent a notice of dishonor to the maker or drawer, the maker or drawer of a  
3 check or other instrument that has been dishonored may be liable for:

4 (1) The amount of the check or instrument;

5 (2) A collection fee of up to \$25; and

6 (3) An amount up to 2 times the amount of the check, but not more than  
7 \$1,000.

8 (c) (1) (i) The holder of a check or other instrument that has been  
9 dishonored may seek the damages provided under this section in any LOCATION OF  
10 THE District Court of [the State] MARYLAND 30 days after a notice of dishonor has  
11 been sent by mail to the last known address of the maker or drawer.

12 (ii) The holder shall obtain a certificate of mailing from the U.S.  
13 Postal Service for each notice sent by the holder under subparagraph (i) of this  
14 paragraph.

15 (2) A notice of dishonor sent by a holder under this section to a maker or  
16 drawer of a dishonored check or other instrument shall substantially comply with the  
17 form prescribed in § 15-803 of this subtitle.

18 (d) A holder may not recover any damages under subsection (b)(3) of this  
19 section if:

20 (1) The holder has demanded of, and received from, the maker or  
21 drawer:

22 (i) Collection costs in excess of the collection fee provided under  
23 subsection (b)(2) of this section; or

24 (ii) Collection costs within 30 days after the mailing of the notice of  
25 dishonor, under subsection (c) of this section; or

26 (2) The dishonored check or other instrument provides for the payment  
27 of collection costs in the event of dishonor.

28 (e) (1) It shall be a complete defense to any action brought under this  
29 section by any holder of a dishonored check or other instrument that, within 30 days  
30 from the mailing of the notice of dishonor, the maker or drawer has paid to the holder  
31 the full amount of the check or other instrument and collection costs of not more than  
32 \$25.

33 (2) It shall be a complete defense to any action brought under this  
34 section by a holder to whom a dishonored check or other instrument was issued that  
35 the dishonor of the check or other instrument was due to a justifiable stop payment  
36 order or to the attachment of the account.

1                   (3)       In any action brought under this section by a holder or holder in due  
2 course to whom a dishonored check or other instrument was negotiated, the action is  
3 subject to all valid defenses that may be raised by the maker or drawer against the  
4 holder or holder in due course under Title 3 of this article.

5   **Article - Courts and Judicial Proceedings**

6 4-401.

7       Except as provided in § 4-402 of this subtitle, and subject to the venue  
8 provisions of Title 6 of this article, the District Court has exclusive original civil  
9 jurisdiction in:

10                   (1)       An action in contract or tort, if the debt or damages claimed do not  
11 exceed \$25,000, exclusive of prejudgment or postjudgment interest, costs, and  
12 attorney's fees if attorney's fees are recoverable by law or contract;

13                   (2)       An action of replevin, regardless of the value of the thing in  
14 controversy;

15                   (3)       A matter of attachment before judgment, if the sum claimed does not  
16 exceed \$25,000, exclusive of prejudgment or postjudgment interest, costs, and  
17 attorney's fees if attorney's fees are recoverable by law or contract;

18                   (4)       An action involving landlord and tenant, distraint, or forcible entry  
19 and detainer, regardless of the amount involved;

20                   (5)       A grantee suit brought under § 14-109 of the Real Property Article;

21                   (6)       A petition for injunction relating to the use, disposition,  
22 encumbrances, or preservation of property that is:

23                                   (i)       Claimed in a replevin action, until seizure under the writ; or

24                                   (ii)      Sought to be levied upon in an action of distress, until levy and  
25 any removal;

26                   (7)       A petition of injunction filed by:

27                                   (i)       A tenant in an action under § 8-211 of the Real Property Article  
28 or a local rent escrow law; or

29                                   (ii)      A person who brings an action under § 14-120 of the Real  
30 Property Article;

31                   (8)       A petition filed by a county or municipality, including Baltimore City,  
32 for enforcement of local health, housing, fire, building, electric, licenses and permits,  
33 plumbing, animal control, and zoning codes for which equitable relief is provided;

1 (9) Proceedings under Article 27, § 264 or § 297 of the Code for the  
2 forfeiture or return of moneys involved in a gambling or controlled dangerous  
3 substances seizure where the amount involved, excluding any interest and attorney's  
4 fees, if attorney's fees are recoverable by law or contract, does not exceed \$20,000;

5 (10) A proceeding for adjudication of:

6 (i) A municipal infraction as defined in Article 23A, § 3(b)(1) of the  
7 Code;

8 (ii) A Commission infraction as defined in Article 28, § 5-113 of the  
9 Code;

10 (iii) A WSSC infraction as defined in Article 29, § 18-104.1 of the  
11 Code, concerning rules and regulations governing publicly owned watershed property;

12 (iv) A WSSC infraction as defined in Article 29, § 18-104.2 of the  
13 Code, concerning WSSC regulations governing:

14 1. Erosion and sediment control for utility construction; and

15 2. Plumbing, gasfitting, and sewer cleaning;

16 (v) A zoning violation for which a civil penalty has been provided  
17 pursuant to Article 66B, § 7.01 or Article 28, § 8-120(c) of the Code;

18 (vi) A violation of an ordinance enacted:

19 1. By a charter county for which a civil penalty is provided  
20 under Article 25A, § 5(A) of the Code; or

21 2. By the Mayor and City Council of Baltimore for which a  
22 civil penalty is provided by ordinance;

23 (vii) A citation for a Code violation issued under Article 27, § 403 of  
24 the Code;

25 (viii) A civil infraction relating to a violation of the Fair Election  
26 Practices Act of the election laws as provided under Article 33, § 13-604 of the Code;

27 (ix) A violation of an ordinance or regulation enacted by a county  
28 without home rule, under authority granted under Article 25 of the Code, or any  
29 provision of the Code of Public Local Laws for that county, for which a civil penalty is  
30 provided;

31 (x) A civil infraction that is authorized by law to be prosecuted by a  
32 sanitary commission; or

33 (xi) A subdivision violation for which a civil penalty has been  
34 provided in accordance with Article 66B, § 5.05(d) of the Code;

1           (11)    A proceeding for adjudication of a civil penalty for any violation under  
2 § 5-1001 of the Environment Article, § 21-1122 of the Transportation Article, §  
3 21-1414 of the Transportation Article, or Article 41, § 2-101(c-1) of the Code or any  
4 rule or regulation issued pursuant to those sections;

5           (12)    A proceeding to enforce a civil penalty assessed by the Maryland  
6 Division of Labor and Industry under Title 5 of the Labor and Employment Article  
7 where the amount involved does not exceed \$20,000;

8           (13)    A proceeding for a civil infraction under § 21-202.1 of the  
9 Transportation Article;

10          (14)    A proceeding for a temporary peace order or peace order under Title  
11 3, Subtitle 15 of this article; [and]

12          (15)    A proceeding for condemnation and immediate possession of and title  
13 to abandoned, blighted, and deteriorated property under authority granted in the  
14 Code of Public Local Laws of a county, including Baltimore City, where the estimated  
15 value of the property does not exceed \$25,000; AND

16          (16)    AN ACTION FOR DAMAGES FOR A DISHONORED CHECK OR OTHER  
17 INSTRUMENT UNDER TITLE 15, SUBTITLE 8 OF THE COMMERCIAL LAW ARTICLE,  
18 REGARDLESS OF THE AMOUNT IN CONTROVERSY.

19       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2000.