



## ACCESS CENTER SMALL CLAIMS A-Z

### BOUNCED/STOP PAYMENT OF CHECK

1. Did you attempt to cash or deposit the check? **You must attempt to cash or deposit the check before you file your small claims.**
2. When did you try to cash or deposit the check? **The action must be filed in court within one year from when the check was written.**
3. Have you sent the defendant a notice pursuant to California Civil Code section 1719? **You must send a notice to the defendant. Inquire with the ACCESS Center for a sample notice.**

California Civil Code Section 1719 allow you to ask the Court to award you damages in addition to the amount of the bounced check. But first, it requires you to send the person or business who sent you the check a written notice that you are demanding your money and you are giving them notice of your intent to sue them to recover that money and additional damages if you are not paid within 30 days. Any person who passes a check on insufficient funds shall be liable to the payee for damages equal to treble (three times) the amount of the check if a written demand for payment is mailed by certified mail to the person who had passed a check on insufficient funds and the written demand informs this person of (A) the provisions of this section, (B) the amount of the check, and (C) the amount of the service charge payable to the payee. The person who had passed a check on insufficient funds shall have 30 days from the date the written demand was mailed to pay the amount of the check, the amount of the service charge payable to the payee, and the costs to mail the written demand for payment. If this person fails to pay in full the amount of the check, the service charge payable to the payee, and the costs to mail the written demand within this period, this person shall then be liable instead for the amount of the check, minus any partial payments made toward the amount of the check or the service charge within 30 days of the written demand, and damages equal to treble (three times) that amount, which shall not be less than one hundred dollars (\$100) nor more than one thousand five hundred dollars (\$1,500). When a person becomes liable for treble (three times) damages for a check that is the subject of a written demand, that person shall no longer be liable for any service charge for that check and any costs to mail the written demand.

Civil Code Section 1719 (with sample demand letter/notice)

<https://codes.findlaw.com/ca/civil-code/civ-sect-1719.html>