

109TH CONGRESS
1ST SESSION

H. R. 2643

To protect innocent parties from certain fees imposed by depository institutions for dishonored checks, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2005

Mr. WEINER (for himself, Mr. ACKERMAN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. CUMMINGS, Mr. DEFAZIO, Ms. DELAURO, Mr. ENGEL, Mr. EVANS, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Ms. LEE, Mrs. MALONEY, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. PAYNE, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. STARK, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WAXMAN, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To protect innocent parties from certain fees imposed by depository institutions for dishonored checks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Innocent Check De-
5 positor Protection Act”.

1 **SEC. 2. CERTAIN CHECK DISHONORMENT FEES PROHIB-**
2 **ITED.**

3 (a) **IN GENERAL.**—Section 607 of the Expedited
4 Funds Availability Act (12 U.S.C. 4006) (relating to mis-
5 cellaneous provisions) is amended by adding at the end
6 the following new subsection:

7 “(f) **FEES ON DISHONORED CHECKS.**—

8 “(1) **RECEIVING DEPOSITORY INSTITUTION.**—In
9 the case of a check drawn on an account at an origi-
10 nating institution which is dishonored by the origi-
11 nating institution due to the lack of sufficient funds
12 in such account to pay the check, a receiving deposi-
13 tory institution may not impose any fee on the de-
14 positor, in connection with such check, due to such
15 dishonorment.

16 “(2) **RULE OF CONSTRUCTION.**—No provision
17 of this section shall be construed as affecting any in-
18 tervening depository institution or the costs of the
19 services provided by such depository institution.”.

20 (b) **EFFECTIVE DATE.**—The amendment made by
21 this section shall apply after the end of the 180-day period
22 beginning on the date of the enactment of this Act.

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