

No. 2007-70

## AN ACT

HB 296

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for costs imposed following conviction for passing bad checks and for the offense of debt pooling.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 4105(e) and 7312(b) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 4105. Bad checks.

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(e) Costs.—Upon conviction under this section the sentence shall include an order for the issuer or passer to reimburse the payee or such other party as the circumstances may indicate for:

(1) The face amount of the check.

(2) Interest at the legal rate on the face amount of the check from the date of dishonor by the drawee.

(3) A service charge if written notice of the service charge was conspicuously displayed on the payee's premises when the check was issued. The service charge shall not exceed ~~[\$20]~~ \$50 unless the payee is charged fees in excess of ~~[\$20]~~ \$50 by financial institutions as a result of such bad check or similar sight order for the payment of money. If the payee is charged fees in excess of ~~[\$20]~~ \$50, then the service charge shall not exceed the actual amount of the fees.

§ 7312. Debt pooling.

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(b) Exceptions.—Subsection (a) of this section shall not apply to:

(1) Any person who is admitted to practice before the Supreme Court of Pennsylvania or any court of common pleas of this Commonwealth or any partnership or professional corporation all of the members or shareholders of which are so admitted.

(2) Better business bureaus, legal aid societies[,] or welfare agencies who act without compensation or profit on behalf of debtors as debt adjusters or debt poolers.

(3) *Organizations in the business of debt adjusting or debt pooling that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) or any successor provisions thereof.*

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Section 2. This act shall take effect as follows:

(1) The amendment of 18 Pa.C.S. § 4105(e) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 18th day of December, A.D. 2007.

EDWARD G. RENDELL