

# ENROLLMENT(S)

(5)



AN ACT  
D.C. ACT 11-497

*Codification  
District of  
Columbia  
Code  
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 24, 1996

To amend Article 3 of the Uniform Commercial Code by adding a provision concerning lost, destroyed, or stolen cashier's checks, teller's checks, or certified checks.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Commercial Code Negotiable Instruments Amendment Act of 1996".

Sec. 2. Article 3 of Subtitle I of Title 28 of the District of Columbia Code is amended as follows:

(a) The analysis of Article 3 is amended by inserting, after the listing of § 28:3-311, a new listing to read as follows:

"28:3-312. Lost, destroyed, or stolen cashier's check, teller's check, or certified check."

(b) A new section 28:3-312 is added to read as follows:

"§ 28:3-312. Lost, destroyed, or stolen cashier's check, teller's check, or certified check.

"(a) For the purposes of this section, the term:

"(1) "Check" means a cashier's check, teller's check, or certified check.

"(2) "Claimant" means a person who claims the right to receive the amount of a cashier's check, teller's check, or certified check that was lost, destroyed, or stolen.

"(3) "Declaration of loss" means a written statement, made under penalty of perjury, to the effect that (i) the declarer lost possession of a check, (ii) the declarer is the drawer or payee of the check, in the case of a certified check, or the remitter or payee of the check, in the case of a cashier's check or teller's check, (iii) the loss of possession was not the result of a transfer by the declarer or a lawful seizure, and (iv) the declarer cannot reasonably obtain possession of the check because the check was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

"(4) "Obligated bank" means the issuer of a cashier's check or teller's check or the acceptor of a certified check.

**New Section  
28:3-312**

**ENROLLED ORIGINAL**

"(b) A claimant may assert a claim to the amount of a check by a communication to the obligated bank describing the check with reasonable certainty and requesting payment of the amount of the check, if (i) the claimant is the drawer or payee of a certified check or the remitter or payee of a cashier's check or teller's check, (ii) the communication contains or is accompanied by a declaration of loss of the claimant with respect to the check, (iii) the communication is received at a time and in a manner affording the bank a reasonable time to act on it before the check is paid, and (iv) the claimant provides reasonable identification if requested by the obligated bank. Delivery of a declaration of loss is a warranty of the truth of the statements made in the declaration. If a claim is asserted in compliance with this subsection, the following rules apply:

"(1) The claim becomes enforceable at the later of (i) the time the claim is asserted, or (ii) the 90th day following the date of the check in the case of a cashier's check or teller's check, or the 90th day following the date of the acceptance in the case of a certified check.

"(2) Until the claim becomes enforceable, it has no legal effect and the obligated bank may pay the check or, in the case of a teller's check, may permit the drawee to pay the check. Payment to a person entitled to enforce the check discharges all liability of the obligated bank with respect to the check.

"(3) If the claim becomes enforceable before the check is presented for payment, the obligated bank is not obliged to pay the check.

"(4) When the claim becomes enforceable, the obligated bank becomes obliged to pay the amount of the check to the claimant if payment of the check has not been made to a person entitled to enforce the check. Subject to § 28:4-302(a)(1), payment to the claimant discharges all liability of the obligated bank with respect to the check.

"(c) If the obligated bank pays the amount of a check to a claimant under subsection (b)(4) of this section and the check is presented for payment by a person having rights of a holder in due course, the claimant is obliged to (i) refund the payment to the obligated bank if the check is paid, or (ii) pay the amount of the check to the person having rights of a holder in due course if the check is dishonored.

"(d) If a claimant has the right to assert a claim under subsection (b) of this section and is also a person entitled to enforce a cashier's check, teller's check, or certified check which is lost, destroyed, or stolen, the claimant may assert rights with respect to the check either under this section or § 28:3-309."

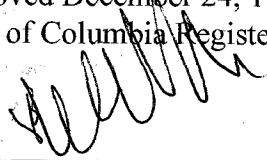
**Sec. 3. Fiscal impact statement.**

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

**ENROLLED ORIGINAL**

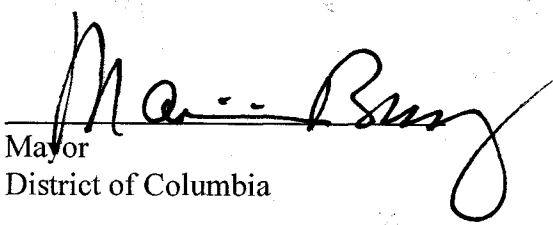
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



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Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: December 24, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B11-573

ITEM ON CONSENT CALENDAR

ADOPTED FIRST READING, 11-7-96

ACTION & DATE

APPROVED

VOICE VOTE  
RECORDED VOTE ON REQUEST

THOMAS

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]  
Secretary to the Council

December 11, 1996  
Date

ITEM ON CONSENT CALENDAR

ADOPTED FINAL READING, 12-3-96

ACTION & DATE

APPROVED

VOICE VOTE  
RECORDED VOTE ON REQUEST

RAY

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

[Signature]  
Secretary to the Council

December 11, 1996  
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE  
RECORDED VOTE ON REQUEST

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
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Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

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CERTIFICATION RECORD

Secretary to the Council

Date

AN ACT

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*Codification  
District of  
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1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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**New Section  
28:3-312**

## ENROLLED ORIGINAL

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### Sec. 3. Fiscal impact statement.

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COUNCIL OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE GENERAL COUNSEL  
WASHINGTON, D.C. 20004

I. TRANSMITTAL OF ENROLLED LEGISLATION

Short Title: Uniform Commercial Code Negotiable Instruments Amendment Act of 1996

RECEIVED

Bill #11-573

'96 DEC 11 A9:53

Date Transmitted to LSD:

LEGISLATIVE COUNSEL



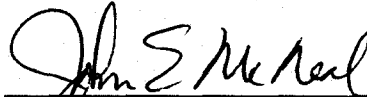
cc: Councilmember Ray  
cc: Codification Counsel

(with attachment)  
(with attachment)

Please notify me of any error/comment within 24 hours.

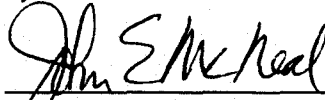
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II. CLEARANCE OF ENROLLED LEGISLATION

  
Legislative Counsel

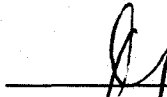
12-10-96

Date

  
Codification Counsel

12-10-96

Date

  
Office of the Secretary

12-10-96

Date

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III. CLEARANCE OF CORRESPONDENCE BY LSD

\_\_\_\_\_  
Letter(s) to the Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Letter(s) to Congress

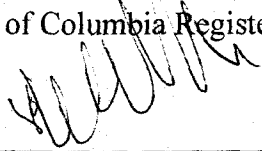
\_\_\_\_\_  
Date



**ENROLLED ORIGINAL**

Sec. 4. Effective date.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B11-573

ITEM ON CONSENT CALENDAR ADOPTED FIRST READING, 11-7-96

ACTION & DATE APPROVED

VOICE VOTE THOMAS

RECORDED VOTE ON REQUEST

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

[Signature]  
Secretary to the Council

December 11, 1996  
Date

ITEM ON CONSENT CALENDAR ADOPTED FINAL READING, 12-3-96

ACTION & DATE APPROVED

VOICE VOTE RAY

RECORDED VOTE ON REQUEST

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
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Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - indicates no AB - Absent NV - Present not voting

CERTIFICATION RECORD

[Signature]  
Secretary to the Council

December 11, 1996  
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

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CERTIFICATION RECORD

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Secretary to the Council

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Date