

HOUSE BILL No. 5619

March 19, 1990, Introduced by Reps. Martin, DeMars, Profit, Allen, Dolan, Stallworth, Gire, Willis Bullard and Strand and referred to the Committee on Corporations and Finance.

A bill to amend section 95a of Act No. 328 of the Public Acts of 1931, entitled
"The Michigan penal code,"
as added by Act No. 275 of the Public Acts of 1984, being section 750.95a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 95a of Act No. 328 of the Public Acts of
2 1931, as added by Act No. 275 of the Public Acts of 1984, being
3 section 750.95a of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 95a. (1) Except as provided in subsection (2), a
6 person ~~that is~~ requested by a financial institution to print
7 checks for an account maintained by a person at the financial
8 institution shall obtain from the financial institution the month
9 and year in which the account was opened, and the person shall

1 print on the checks for that account the month and year furnished
2 by the financial institution.

3 (2) ~~A person shall not be required to comply with~~
4 ~~subsection~~ SUBSECTION (1) ~~with regard~~ DOES NOT APPLY to
5 checks printed for an account if the ~~person is informed by the~~
6 financial institution ~~for which~~ REQUESTING the checks ~~are to~~
7 ~~be printed~~ INFORMS THE PERSON that the checks are ~~to be used~~
8 for any of the following:

9 (a) An account opened before July 1, 1985.

10 (b) An account maintained by a corporation, partnership,
11 association, or trust, or by an individual or individuals who use
12 the account primarily for a business purpose or who indicate to
13 the financial institution ~~, at the time~~ WHEN the account is
14 opened ~~, that~~ that the account is intended to be used primarily for
15 a business purpose.

16 (c) An account maintained by a person who, ~~at the time~~
17 WHEN the account was opened, had maintained another deposit with
18 the same financial institution for ~~a period of~~ 1 year or
19 longer.

20 (d) Temporary checks ~~to be~~ furnished by the financial
21 institution to a customer ~~at the time~~ WHEN an account is
22 opened.

23 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), A PERSON REQUESTED
24 BY A FINANCIAL INSTITUTION TO PRINT CHECKS FOR A NEW ACCOUNT
25 OPENED BY A PERSON AT THE FINANCIAL INSTITUTION SHALL NUMBER THE
26 CHECKS SEQUENTIALLY BEGINNING WITH 100.

1 (4) SUBSECTION (3) DOES NOT APPLY TO CHECKS PRINTED FOR A
2 NEW ACCOUNT IF THE FINANCIAL INSTITUTION REQUESTING THE CHECKS
3 INFORMS THE PERSON THAT THE CHECKS ARE FOR ANY OF THE FOLLOWING:

4 (A) A NEW ACCOUNT MAINTAINED BY A PERSON WHO, WHEN THE NEW
5 ACCOUNT WAS OPENED, HAD MAINTAINED ANOTHER DEPOSIT WITH THE SAME
6 FINANCIAL INSTITUTION FOR 1 YEAR OR LONGER.

7 (B) TEMPORARY CHECKS FURNISHED BY THE FINANCIAL INSTITUTION
8 TO A CUSTOMER WHEN A NEW ACCOUNT IS OPENED.

9 (5) ~~(3)~~ A person that knowingly, ~~wilfully~~ WILLFULLY, and
10 intentionally violates this section is guilty of a misdemeanor,
11 punishable by a fine of not more than \$100.00.

12 (6) ~~(4)~~ A person that violates this section shall not be
13 civilly liable for damages to any other person arising from the
14 violation.

15 (7) ~~(5)~~ A financial institution ~~is authorized to~~ MAY
16 furnish to a person who prints checks for the financial institu-
17 tion the date and year an account was opened ~~and such~~ OR OTHER
18 information ~~as shall be~~ necessary for the person to determine
19 whether the person ~~is required to~~ SHALL comply with subsection
20 (1) OR (3).

21 (8) ~~(6)~~ As used in this section:

22 (a) "Check" means a check, draft, or other instrument ~~that~~
23 ~~is~~ capable of becoming a negotiable instrument evidencing a
24 written order to a financial institution to pay the stated amount
25 of money from an account maintained with the financial
26 institution.

1 (b) "Deposit" means an insured account in a bank, savings
2 and loan association, credit union, or other institution the
3 accounts of which are insured by an agency of the federal
4 government.

5 (c) "Financial institution" means a bank, savings and loan
6 association, credit union, or other institution ~~that is~~ autho-
7 rized to maintain demand accounts or other accounts where payment
8 is made by a check.

9 (D) "NEW ACCOUNT" MEANS AN ACCOUNT OPENED AFTER THE EFFEC-
10 TIVE DATE OF THE AMENDATORY ACT ADDING THIS SUBDIVISION.

11 (E) ~~(d)~~ "Person" means an individual, corporation, part-
12 nership, association, business trust, or other legal entity.