

- (a) ~~The holder has demanded of, and received from, the maker or drawer:~~
- ~~(i) Collection costs in excess of the collection fee provided under subsection (2)(b) of this section; or~~
 - ~~(ii) Collection costs within 30 days after the mailing of the notice of dishonor, under subsection (3) of this section; or~~
- ~~(b) The dishonored check or other instrument provides for the payment of collection costs in the event of dishonor.~~

~~(5) (a) It shall be a complete defense to any action brought under this section by any holder of a dishonored check or other instrument that, within 30 days from the mailing of the notice of dishonor, the maker or drawer has paid to the holder the full amount of the check or other instrument and collection costs of not more than \$25.~~

~~(b) It shall be a complete defense to any action brought under this section by a holder to whom a dishonored check or other instrument was issued that the dishonor of the check or other instrument was due to a justifiable stop payment order or to the attachment of the account.~~

~~(c) In any action brought under this section by a holder or holder in due course to whom a dishonored check or other instrument was negotiated, the action is subject to all valid defenses that may be raised by the maker or drawer against the holder or holder in due course under this title.~~

~~(6) DISHONOR OF A CHECK BY THE DRAWEE, THAT THE DRAWER HAD NO ACCOUNT WITH THE DRAWEE AT THE TIME OF UTTERANCE, AND INSUFFICIENCY OF THE DRAWER'S FUNDS AT THE TIME OF PRESENTATION AND UTTERANCE MAY BE PROPERLY PROVEN BY INTRODUCTION IN EVIDENCE OF A NOTICE OF PROTEST OF THE CHECK, OR OF A CERTIFICATE UNDER OATH OF AN AUTHORIZED REPRESENTATIVE OF THE DRAWEE DECLARING THE DISHONOR, LACK OF ACCOUNT, AND INSUFFICIENCY, AND THIS PROOF SHALL CONSTITUTE PRESUMPTIVE EVIDENCE OF THE DISHONOR, LACK OF ACCOUNT, AND INSUFFICIENCY.~~

~~(7) LOSS TO A CORPORATION FROM A BAD CHECK OR CHECKS MAY PROPERLY BE PROVEN BY INTRODUCTION IN EVIDENCE OF AN AFFIDAVIT OF LOSS EXECUTED BY A CUSTODIAN OF RECORDS OF THE CORPORATION, AND THIS PROOF SHALL CONSTITUTE PRESUMPTIVE EVIDENCE OF THE LOSS.~~

Article — Courts and Judicial Proceedings

2-607.

~~(e) (1) A commissioner shall receive applications and determine probable cause for the issuance of charging documents.~~