

(C) A BANK MAY CHARGE AGAINST THE ACCOUNT OF A CUSTOMER A CHECK THAT IS OTHERWISE PROPERLY PAYABLE FROM THE ACCOUNT, EVEN THOUGH PAYMENT WAS MADE BEFORE THE DATE OF THE CHECK, UNLESS THE CUSTOMER HAS GIVEN NOTICE TO THE BANK OF THE POSTDATING DESCRIBING THE CHECK WITH REASONABLE CERTAINTY. THE NOTICE IS EFFECTIVE FOR THE PERIOD STATED IN § 4-403(B) FOR STOP-PAYMENT ORDERS, AND MUST BE RECEIVED AT SUCH TIME AND IN SUCH MANNER AS TO AFFORD THE BANK A REASONABLE OPPORTUNITY TO ACT ON IT BEFORE THE BANK TAKES ANY ACTION WITH RESPECT TO THE CHECK DESCRIBED IN § 4-303. IF A BANK CHARGES AGAINST THE ACCOUNT OF A CUSTOMER A CHECK BEFORE THE DATE STATED IN THE NOTICE OF POSTDATING, THE BANK IS LIABLE FOR DAMAGES FOR THE LOSS RESULTING FROM ITS ACT. THE LOSS MAY INCLUDE DAMAGES FOR DISHONOR OF SUBSEQUENT ITEMS UNDER § 4-402.

[(2)](D) A bank [which] THAT in good faith makes payment to a holder may charge the indicated account of its customer according to:

[(a)](1) The original [tenor] TERMS of [his] THE altered item; or

[(b)](2) The [tenor] TERMS of [his] THE completed item, even though the bank knows the item has been completed unless the bank has notice that the completion was improper.

4-402.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PAYOR BANK WRONGFULLY DISHONORS AN ITEM IF IT DISHONORS AN ITEM THAT IS PROPERLY PAYABLE, BUT A BANK MAY DISHONOR AN ITEM THAT WOULD CREATE AN OVERDRAFT UNLESS IT HAS AGREED TO PAY THE OVERDRAFT.

(B) A payor bank is liable to its customer for damages proximately caused by the wrongful dishonor of an item. [When the dishonor occurs through mistake liability] LIABILITY is limited to actual damages proved[. If so proximately caused and proved damages] AND may include damages for an arrest or prosecution of the customer or other consequential damages. Whether any consequential damages are proximately caused by the wrongful dishonor is a question of fact to be determined in each case.

(C) A PAYOR BANK'S DETERMINATION OF THE CUSTOMER'S ACCOUNT BALANCE ON WHICH A DECISION TO DISHONOR FOR INSUFFICIENCY OF AVAILABLE FUNDS IS BASED MAY BE MADE AT ANY TIME BETWEEN THE TIME THE ITEM IS RECEIVED BY THE PAYOR BANK AND THE TIME THAT THE PAYOR BANK RETURNS THE ITEM OR GIVES NOTICE IN LIEU OF RETURN, AND NO MORE THAN ONE DETERMINATION NEED BE MADE. IF, AT THE ELECTION OF THE PAYOR BANK, A SUBSEQUENT BALANCE DETERMINATION IS MADE FOR THE PURPOSE OF REEVALUATING THE BANK'S DECISION TO DISHONOR THE ITEM, THE ACCOUNT BALANCE AT THAT TIME IS DETERMINATIVE OF WHETHER A DISHONOR FOR INSUFFICIENCY OF AVAILABLE FUNDS IS WRONGFUL.