

(C) EVIDENCE OF DISHONOR, LACK OF ACCOUNT, AND INSUFFICIENT FUNDS.

A NOTICE OF PROTEST OF A CHECK, OR A CERTIFICATE UNDER OATH OF AN AUTHORIZED REPRESENTATIVE OF THE DRAWEE DECLARING THE DISHONOR OF A CHECK, THE DRAWER'S LACK OF AN ACCOUNT, OR THAT THE DRAWER HAD INSUFFICIENT FUNDS INTRODUCED IN EVIDENCE IS PRESUMPTIVE EVIDENCE, THAT:

(1) THE CHECK WAS DISHONORED BY THE DRAWEE; AND

(2) THE DRAWER HAD:

(I) NO ACCOUNT WITH THE DRAWEE WHEN THE CHECK WAS ISSUED; OR

(II) INSUFFICIENT FUNDS WITH THE DRAWEE AT THE TIME OF PRESENTMENT AND ISSUING OF THE CHECK.

(D) EFFECT OF INTENT TO STOP PAYMENT AS EVIDENCE.

THE FACT THAT A DRAWER OR REPRESENTATIVE DRAWER, WITHOUT THE CONSENT OF THE PAYEE, STOPPED OR COUNTERMANDED THE PAYMENT OF THE CHECK, OR OTHERWISE CAUSED THE DRAWEE TO DISREGARD, DISHONOR, OR REFUSE TO RECOGNIZE THE CHECK WITHOUT RETURNING OR TENDERING THE RETURN OF THE PROPERTY OBTAINED, IS PRESUMPTIVE EVIDENCE THAT THE DRAWER OR REPRESENTATIVE DRAWER HAD THE INTENT WHEN ISSUING THE CHECK TO STOP OR COUNTERMAND PAYMENT OR OTHERWISE CAUSE THE DRAWEE TO DISREGARD, DISHONOR, OR REFUSE TO RECOGNIZE THE CHECK.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 142.

In subsections (a), (b), and (c) of this section, the references to "issuing" a check are substituted for the former references to "utterance" for clarity.

In subsections (a) and (b) of this section, the former references to a "subscribing" drawer are deleted as surplusage. Similarly, the former phrases "as the case may be" are deleted.

In subsections (a) and (c) of this section, the references to "insufficient funds" are substituted for the former references to "insufficiency" for clarity and consistency of terminology within this subtitle.

In subsection (b) of this section, the former reference to "an ultimately" dishonored check is deleted as surplusage.

In subsection (c) of this section, the former reference to material "properly" introduced in evidence is deleted as surplusage.

In subsection (d) of this section, the reference to issuing "the check" is added for clarity and consistency throughout this subtitle.