

(2) ADDITIONAL DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARE RECOVERABLE TO THE EXTENT PROVIDED IN AN EXPRESS WRITTEN AGREEMENT OF THE RECEIVING BANK, BUT ARE NOT OTHERWISE RECOVERABLE.

(E) (1) REASONABLE ATTORNEY'S FEES ARE RECOVERABLE IF DEMAND FOR COMPENSATION UNDER SUBSECTION (A) OR (B) OF THIS SECTION IS MADE AND REFUSED BEFORE AN ACTION IS BROUGHT ON THE CLAIM.

(2) IF A CLAIM IS MADE FOR BREACH OF AN AGREEMENT UNDER SUBSECTION (D) OF THIS SECTION AND THE AGREEMENT DOES NOT PROVIDE FOR DAMAGES, REASONABLE ATTORNEY'S FEES ARE RECOVERABLE IF DEMAND FOR COMPENSATION UNDER SUBSECTION (D) OF THIS SECTION IS MADE AND REFUSED BEFORE AN ACTION IS BROUGHT ON THE CLAIM.

(F) EXCEPT AS STATED IN THIS SECTION, THE LIABILITY OF A RECEIVING BANK UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION MAY NOT BE VARIED BY AGREEMENT.

SUBTITLE 4. PAYMENT

4A-401.

"PAYMENT DATE" OF A PAYMENT ORDER MEANS THE DAY ON WHICH THE AMOUNT OF THE ORDER IS PAYABLE TO THE BENEFICIARY BY THE BENEFICIARY'S BANK. THE PAYMENT DATE MAY BE DETERMINED BY INSTRUCTION OF THE SENDER BUT CANNOT BE EARLIER THAN THE DAY THE ORDER IS RECEIVED BY THE BENEFICIARY'S BANK AND, UNLESS OTHERWISE DETERMINED, IS THE DAY THE ORDER IS RECEIVED BY THE BENEFICIARY'S BANK.

4A-402.

(A) THIS SECTION IS SUBJECT TO §§ 4A-205 AND 4A-207 OF THIS TITLE.

(B) WITH RESPECT TO A PAYMENT ORDER ISSUED TO THE BENEFICIARY'S BANK, ACCEPTANCE OF THE ORDER BY THE BANK OBLIGES THE SENDER TO PAY THE BANK THE AMOUNT OF THE ORDER, BUT PAYMENT IS NOT DUE UNTIL THE PAYMENT DATE OF THE ORDER.

(C) (1) THIS SUBSECTION IS SUBJECT TO SUBSECTION (E) OF THIS SECTION AND TO § 4A-303 OF THIS TITLE.

(2) (I) WITH RESPECT TO A PAYMENT ORDER ISSUED TO A RECEIVING BANK OTHER THAN THE BENEFICIARY'S BANK, ACCEPTANCE OF THE ORDER BY THE RECEIVING BANK OBLIGES THE SENDER TO PAY THE BANK THE AMOUNT OF THE SENDER'S ORDER.