

8.09 Worthless Checks

- (1) No person may issue a check or other order for payment which, at the time of issuance, he or she intends not be paid.
- (2) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for the payment of money intended it should not be paid:
 - (a) Proof that, at the time of issuance, the person did not have an account with the drawee; or
 - (b) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order; or
 - (c) When presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within 5 days after receiving notice of non-payment or dishonor, to pay the check or other order.
- (3) PENALTIES. Any person who violates this section shall forfeit not more than \$1,000.00, together with the costs of prosecution and may be ordered to pay restitution and complete community service.