



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4156**

Introduced 1/21/2004, by Rosemary Mulligan

**SYNOPSIS AS INTRODUCED:**

815 ILCS 315/1 from Ch. 121 1/2, par. 1901  
815 ILCS 315/2.1 new

Amends the Check Cashing Act. Limits the amount of the penalty that a casino-based electronic check cashing service may recover from a person who writes a check that is dishonored to the amount of actual damages plus a fee equal to 20% of the face value of the check or \$5, whichever is greater (and prohibits recovery of treble damages).

LRB093 18788 WGH 44522 b

1 AN ACT in relation to check cashing services.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Check Cashing Act is amended by changing  
5 Section 1 and adding Section 3 as follows:

6 (815 ILCS 315/1) (from Ch. 121 1/2, par. 1901)

7 Sec. 1. Definitions. As used in this Act:

8 "Merchant" means a person, firm, association, partnership  
9 or corporation primarily engaged in the business of selling  
10 tangible personal property at retail.

11 "Casino-based electronic check acceptance service" means  
12 any check-guarantee, check-acceptance, check-co-signing, or  
13 check-risk-management service that is performed by a firm that  
14 is engaged in the financial service industry or in any branch  
15 of the financial service industry, provided that the service is  
16 performed as part of a transaction involving a check that takes  
17 place on a riverboat licensed under the Riverboat Gambling Act  
18 or on the dock of such a riverboat.

19 (Source: P.A. 85-997.)

20 (815 ILCS 315/2.1 new)

21 Sec. 2.1. Casino-based electronic check acceptance  
22 services. Notwithstanding any provision of this Act to the  
23 contrary, if a casino-based electronic check acceptance  
24 service has taken part in a casino-based transaction involving  
25 a check that is dishonored, the casino-based electronic check  
26 acceptance service may recover from the person who wrote the  
27 check an amount equal to the amount of actual damages plus a  
28 fee equal to (1) 20% of the face value of the check or (2) \$5,  
29 whichever is greater. Notwithstanding any law to the contrary,  
30 a casino-based electronic check acceptance service may not  
31 recover treble damages from a person who writes a check for use

1 in a casino-based transaction that is dishonored.