

*Learn about . . .*

## **Check 21: Substitute Checks and Your Rights**

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Check 21 provides an option to traditional check clearing, which involves physical transportation of the check, across town or across the country. The improvements brought about through Check 21 allow for faster check clearing, decreased fraud, and less paper.

### **What is a Check 21 substitute check?**

The Check 21 option is legal acceptance of a paper reproduction of an original check, called a “substitute check.” This substitute check is produced from a digital image of the original check, is the legal equivalent of the original check, and includes all the information contained on the original. These checks are similar in size to original checks with a slightly reduced image of the front and back of the original check. The front of a substitute check states: “This is a legal copy of your check. You can use it the same way you would use the original check.” You may use a substitute check as proof of payment just like the original check.

Some or all of the checks that you may receive back from this bank and others may be substitute checks. This notice describes rights you have when you receive substitute checks from us. The rights in this notice do not apply to original checks or to electronic debits to your account; you have rights under other laws with respect to those transactions.

### **Note: Faster processing can mean less “float”**

Electronic payments clear much faster than paper checks. Consumers who are accustomed to “playing the float” – the time between when you write the check and when the money is actually debited from your account – will need to be aware of this. With electronic banking, whether in the form of substitute checks, check conversion, or EFT, the float can be substantially reduced. What the experts advise: make sure you have enough money in your account when you write the check or authorize any other transaction. This will ensure that you avoid bounced checks and associated fees.

### **What are my rights regarding substitute checks?**

In certain cases, federal law provides a special procedure that allows you to request a refund for losses you suffer if a substitute check is posted to your account (for example, if you think that we withdrew the wrong amount from your account or that we withdrew money from your account more than once for the same check). The losses you may attempt to recover under this procedure may include the amount that was withdrawn from your account and fees that were charged as a result of the withdrawal (for example, bounced check fees).

The amount of your refund under this procedure is limited to the amount of your loss or the amount of the substitute check, whichever is less. You also are entitled to interest on the amount of your refund if your account is an interest-bearing account. If your loss exceeds the amount of the substitute check, you may be able to recover additional amounts under other laws.

If you use this procedure, you may receive up to \$2,500 of your refund (plus interest if your account earns interest) within 10 business days after we received your claim and the remainder of your refund (plus interest if your account earns interest) not later than 45 calendar days after we received your claim.

We may reverse the refund (including any interest on the refund) if we later are able to demonstrate that the substitute check was correctly posted to your account.

**How do I make a claim for a refund?**

If you believe that you suffered a loss relating to a substitute check that you received and that was posted to your account, please contact us. You must contact us within 40 calendar days of the date what we mailed (or otherwise delivered by a means to which you agreed) the substitute check in question or the account statement showing that the substitute check was posted to your account, whichever is later. We will extend this time period if we were not able to make a timely claim because of extraordinary circumstances.

Your claim must include:

- A description of why you have suffered a loss (for example, you think the amount withdrawn was incorrect);
- An estimate of the amount of your loss;
- An explanation of why the substitute check you received is insufficient to confirm that you suffered a loss, and
- A copy of the substitute check [and/or] the following information to help us identify the substitute check: the check number, the name of the person to whom you wrote the check, the amount of the check.

***Source: America's Community Bankers***