

1979 WL 43441 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
June 29, 1979

\*1 Mr. James M. Hatchell  
Executive Vice President  
South Carolina Merchants Association  
Suite 105  
1215 Lady Street  
Columbia, South Carolina 29201

Dear Jim:

In a letter to this office you raised two questions concerning the recently enacted Fraudulent Check Law.

Specifically, you asked whether your Association's proposed form 'Returned Check Notice' which you provided this office, a copy of which is attached, is a form substantially in compliance with the form as suggested in the Act. Please be advised that upon review, it is the opinion of this office that the wording of the proposed Returned Check Notice as composed by your Association is in compliance with that requirement of the Fraudulent Check Act which states that the form of notice shall be 'substantially' as the form included in the Act. Furthermore, the 'certification of mailing' as provided on your Returned Check Notice also appears to be in compliance with that portion of [Section 34-11-70 of the 1976 Code of Laws](#), as amended, which references such a certificate.

As to the method of sending a notice by certified mail as required by [Section 34-11-70](#), as amended, it appears that your suggestion that the method described as procedure number two on the certified mail receipt which allows the sender to stick the gummed stub of the receipt for certified mail on the envelope, detach and retain the receipt, and mail the article without presenting the receipt at the post office service window to be postmarked would meet the requirement of [Section 34-11-70](#), as amended, that the Returned Check Notice be sent by certified mail.

Hopefully, the above is in full response to your inquiry.  
Sincerely,

Charles H. Richardson  
Assistant Attorney General

1979 WL 43441 (S.C.A.G.)