

# The *Check 21* Act



**IMPORTANT**

**INFORMATION**

**ABOUT**

**NEW**

**CHECKING**

**ACCOUNT**

**LEGISLATION**

# What Is *Check 21*?

In October 2003, the President of the United States signed into law a bill called the Check Clearing for the 21<sup>st</sup> Century Act (Check 21). The bill takes effect on October 28, 2004 and will change the way paid checks are handled.

All banks in the United States are obligated to abide by the provisions under this law. Currently, financial institutions must provide the original paper check to receive payment. Check 21 will allow all institutions to convert original checks into electronic images or “substitute checks.”

As your bank, we would like to take this opportunity to educate you about “substitute checks” and your rights under this law.

## **Substitute Checks and Your Rights**

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

To make check processing faster, federal law permits banks to replace original checks with “substitute checks.” 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 receive back from TIB Bank of the Keys may be substitute checks. This notice describes rights you have when you receive substitute checks from TIB Bank. The rights in this notice do not apply

to original checks or to electronic debits to your account. However, you have rights under other law with respect to those transactions.

### **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 TIB 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 The losses you may attempt to recover under this procedure may include the amount that was withdrawn from your account and fees that were charged as a result of the withdrawal (for example, bounced check fees).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 law.

If you use this procedure, you may receive up to \$2,500.00 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 have suffered a loss relating to a substitute check that you received and that was posted to your account, please contact us at: TIB Bank, P.O. Box 900368, Homestead, Fl 33090 or call toll-free 1-800-233-6330. You must contact us within 40 calendar days of the date that 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 you 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: (examples of identifying information are the check number, the name of the person to whom you wrote the check & the amount of the check).



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