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## DIGEST

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HB 1115 Original

2026 Regular Session

Adams

**Abstract:** Provides protections against the duplicate presentment of a check that was previously deposited by mobile deposit or remote deposit capture.

Proposed law defines "check", "financial institution", "holder in due course", "remote deposit capture", "restrictive endorsement", and "truncating financial institution".

Proposed law provides that a person who accepts an original paper check for value, in good faith, and without notice that the check was previously deposited by remote deposit capture is a holder in due course of that check.

Proposed law provides a presumption of good faith if the person accepting the check, at the time of accepting that check, does all of the following:

- (1) Examines the check for the presence of a restrictive endorsement indicating prior remote deposit capture.
- (2) Requires the presenter of the check to produce a valid government-issued photographic identification, and records the identification type, number, and expiration date.
- (3) Verifies that the name on the check matches the identification presented.
- (4) Does not have notice that the check has been previously deposited.

Proposed law provides that a person accepting a check with a restrictive endorsement is not deemed to have acted in good faith.

Proposed law provides for indemnification of a holder in due course by a truncating financial institution for any loss suffered as a result of the duplicate presentment of that check when all of the following occur:

- (1) The truncating financial institution accepted a check for deposit by remote deposit capture without that check bearing a restrictive endorsement.
- (2) The original paper check was subsequently presented for payment by or on behalf of a good faith holder in due course.

- (3) The payor financial institution dishonored, returned, or charged back the original paper check as a suspected or confirmed duplicate.
- (4) The holder in due course, or its depository financial institution, suffered a loss as a result.

Proposed law provides that a nonresident truncating financial institution causes foreseeable injury in this state when that institution accepts a check by remote deposit capture that is subsequently cashed or deposited in this state.

(Adds R.S. 10:3-321)