

## SECTION FOUR – EXHIBITS

### EXHIBIT 13 CHECK RETENTION/RETRIEVAL REQUIREMENTS

- Chart provides a comparison of retention requirements of check transactions based on various banking laws.
- Retention means: Retention of the original check; or copy of the front and back of the original check in a manner such that it can be retrieved within a reasonable period of time

| Entity                            | Uniform Commercial Code (UCC)                                                                                                                                                                         | Bank Secrecy Act (BSA)                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Other State Laws             | Other Considerations                                                                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------------------------------------------------------------------------|
| Depository Bank                   | For truncated checks, 7 years or have arrangements to obtain copy (UCC4-406)<br><br>For non-truncated checks, 3 years (or longer period) to defend against lawsuits under UCC (UCC4-111) or other law | 5 years or arrange for third-party to retain checks greater than \$100 deposited in demand deposits; however, this requirement may be satisfied by other records maintained in the ordinary course of business enabling reconstruction and tracing of or describing check deposit<br>(31 CFR 103.34(b)(10))<br><br>5 years or arrange for third-party to retain copies of certain large dollar (over \$10,000) international checks or suspicious transactions (31 C.F.R. 103.34(b) and 103.18(d)) | May require longer retention | Bank may determine to retain copies for longer period for depositor customer service purposes |
| Collecting Bank (Not Paying Bank) | For truncated checks, 7 years or have arrangements to obtain copy (UCC4-406)<br><br>For non-truncated checks, 3 years (or longer period) to defend against lawsuits under UCC (UCC4-111) or other law | 5 years or arrange for third-party to retain copies of certain large dollar (over \$10,000) international checks or suspicious transactions (31 C.F.R. 103.34(b) and 103.18(d))                                                                                                                                                                                                                                                                                                                    | May require longer retention |                                                                                               |

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| Entity                           | Uniform Commercial Code (UCC)                                                                                                                                                                                           | Bank Secrecy Act (BSA)                                                                                                                                                                                                                                                                                                                                                        | Other State Laws             | Other Considerations                                                                       |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------------------------------------------------------------------------------------|
| Returning Bank (Not Paying Bank) | For truncated checks, 7 years or have arrangements to obtain copy (UCC4-406)<br><br>For non-truncated checks, 3 years (or longer period) to defend against lawsuits under UCC (UCC4-111) or other law                   | 5 years or arrange for third-party to retain copies of certain large dollar (over \$10,000) international checks or suspicious transactions (31 C.F.R. 103.34(b) and 103.18(d))                                                                                                                                                                                               | May require longer retention |                                                                                            |
| Paying Bank                      | If checks not returned to drawer, 7 years or have arrangements to obtain copy (UCC 4-406)<br><br>If checks returned to drawer, 3 years (or longer period) to defend against lawsuits under UCC (UCC 4-111) or other law | 5 years or arrange for third-party to retain, except for checks of less than \$100, checks drawn on accounts with average of 100 or more checks per month, and certain types of checks<br><br>5 years or arrange for third-party to retain copies of certain large dollar (over \$10,000) international checks or suspicious transactions (31 C.F.R. 103.34(b) and 103.18(d)) | May require longer retention | Bank may determine to retain copies for longer period for drawer customer service purposes |

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For more information please visit the ECCHO website: [www.eccho.org](http://www.eccho.org)

### NOTICE

*This chart is for informational purposes only and does not constitute legal advice. Each bank should consult its own counsel to determine the check retention/retrieval laws applicable to it and its compliance with those laws.*