

支票存款約定書補充條款

V1.2_12_18_14

SUPPLEMENTAL AGREEMENT FOR CHECKING ACCOUNTS TAIWAN

支票存款戶_____ (以下簡稱存戶)，茲就存戶於貴行所開立之支票存款帳戶相關事宜，[向美商摩根大通銀行台北分行 \(以下簡稱貴行\)](#) 同意補充有關處理退票及拒絕往來事項之約定條款 (以下簡稱本條款) 如下，以資遵守：

The Depositor, _____ (“Depositor”) [hereby consents to](#) JPMorgan Chase Bank, N.A., Taipei Branch (“Bank”) as follows with regard handling of Dishonored Negotiable Instruments and rejected account records to supplement matters related to the checking accounts opened with the Bank by the Depositor:

第一條 (定義)

ARTICLE 1 DEFINITIONS.

本條款所用名詞定義如下：

As used in this Supplement;

一 「退票」：指金融業者對於登示之票據拒絕付款，經填具退票理由單，連同票據，退還執票人之謂。

“Dishonored Negotiable Instruments” shall mean negotiable instruments on which a financial institution has refused to make payment and returned to the holder of such negotiable instrument together with a completed dishonored slip.

二 「清償贖回」：指對於存款不足、發票人簽章不符、擅自指定金融業者為本票之擔當付款人或本票提示期限經過前撤銷付款委託等理由所退票據及其退票理由單，由支票存款戶以清償票款等消滅票據債務之方法予以贖回之謂。

“Redemption” shall mean redemption by payment of the amount due or the like by the Depositor with respect to a Dishonored Negotiable Instrument and dishonored slip thereof due to insufficient funds, incorrect chops or signatures, designation of a financial institution acting as paying agent for promissory notes without the agreement of such financial institution or the Depositor’s withdrawal of payment instructions prior to expiry of the period for presentation of the promissory notes.

三 「提存備付」：指存款不足退票後，支票存款戶將票款存入辦理退票之金融業者，申請列收「其他應付款」帳備付之謂。

“Reserve for Payment” shall mean deposit of the amount of a Dishonored Negotiable Instrument due to insufficient funds with the financial institution handling the Dishonored Negotiable Instruments with a request to hold same as “other payables”.

四 「重提付訖」：指退票後重新提示，於支票存款帳戶或其他應付款帳戶內付訖之謂。

“Re-Presentation and Payment” shall mean re-presentation of a Dishonored Negotiable Instrument and payment thereon from the checking account or “other payables” account.

五 「註記」：指支票存款戶如有退票紀錄、清償贖回或其他涉及其票據信用之事實時，由票據交換所予以註明，備供查詢之謂。

“Record” shall mean recordation by the Bills Clearing House of Dishonored Negotiate Instruments, Redemptions and other facts relevant to a Depositor’s credit on negotiable instruments available for inquiry.

六 「終止擔當付款人之委託」：指金融業者終止受託為支票存款戶所簽發本票之擔當付款人之謂。

“Termination of Mandate as a Paying Agent” shall mean termination of a financial institution’s mandate to act as paying agent for a promissory note issued by the Depositor.

七 「拒絕往來」：指金融業者拒絕與票據信用紀錄顯著不良支票存款戶支票存款往來之謂。

“Account Rejection” shall mean refusal by a financial institution to handle transactions through a checking account regarding which the Depositor has a bad record with respect to credit on negotiable instruments.

第二條 (開戶審查與開戶資料變更)

ARTICLE 2 ACCOUNT OPENING REVIEWING AND CHANGE OF ACCOUNT OPENING DATA.

存戶開戶時，應填具印鑑卡及票據領取證交付貴行，經貴行向票據交換所查詢存戶之票據信用情形，並認可後發給空白票據。

When the Depositor opens an account, he/she/it shall fill out the signature card and the receipt for checks and deliver same to the Bank. After the Bank checks with the Bills Clearing House, the Bank shall deliver blank checks to the Depositor.

印鑑卡上資料如有變更，存戶應即書面通知貴行，如擬變更印鑑，存戶須重填印鑑卡。

In the event that the data contained in the signature card is changed, the Depositor shall immediately notify the Bank in writing. If the Depositor intends to change the chop, the Depositor shall fill out a new signature card.

存戶如為法人戶，其名稱或負責人變更，而未依前項約定辦理時，於貴行發現該項情事並通知存戶辦理變更手續，逾一個月未辦理者，貴行得終止支票存款往來契約，並通知存戶結清帳戶。

In the event that a Depositor which is a legal entity changes its name or its responsible person and fails to comply with the preceding paragraph, and fails to cure such failure within one (1) month after the Bank discovers the failure and so notifies to the Depositor, the Bank may terminate the agreement for checking account transactions and notify the Depositor to close the account.

第三條 (本票)

ARTICLE 3 PROMISSORY NOTE.

存戶簽發由貴行所發給載明以貴行為擔當付款人之本票時，由貴行自存戶名下之支票存款戶內代為付款。

In the event that a promissory note is issued by the Depositor and the Bank is designated as paying agent, the Bank shall pay the amount due from the checking account of the Depositor.

前項本票，執票人提示時雖已逾付款之提示期限，但仍在該本票自到期日起算（見票即付之本票，自發票日起算）三年之內，且存戶未撤銷付款委託，亦無其他不得付款之情事者，貴行仍得付款。倘因帳戶內存款不足或發票人簽章不符，致存戶所簽發之本票退票時，其退票紀錄與支票之退票紀錄合併計算。

If the promissory note is presented after expiry of the presentation period but within three (3) years from the maturity date of such promissory note, the Bank may honor the note (if the promissory note is a promissory note payable on demand, the above three (3) year period shall run from the issue date) so long as the Depositor has not withdrawn his/her/its order of payment and no other circumstances prohibit the Bank from making payment. If the promissory note issued by the Depositor is dishonored due to insufficient funds or incorrect chops or signatures, the fact of such dishonored promissory note shall be recorded together with the Depositor's record for dishonored checks.

本條之規定僅於貴行另行同意受存戶委託為存戶簽發之本票之擔當付款人時，方有適用。

This Article shall become applicable if and only if the Bank separately agree to be designated as paying agent for the promissory notes issued by the Depositor.

第四條 (手續費)

ARTICLE 4 HANDLING FEES.

存戶簽發之票據，因存款不足而退票時，貴行得向存戶收取手續費。

When a negotiable instrument issued by the Depositor is dishonored due to insufficient funds, the Bank may collect handling fees from the Depositor.

前項手續費，不得逾越票據交換所向貴行所收取手續費之百分之一百五十。

The handling fees described in the preceding paragraph shall not exceed one hundred and fifty percent (150%) of the handling fees that the Bills Clearing House collects from the Bank.

第五條 (註記)

ARTICLE 5 RECORD.

存戶於其簽發之支票或以貴行為擔當付款人之本票退票之次日起算三年內，有清償贖回、提存備付、重提付訖或其他涉及票據信用之情事者，得向貴行申請核轉票據交換所依「支票存款戶票信狀況註記須知」辦理註記。

In the event that the Depositor has made a Redemption, the Depositor has deposited a Reserve for Payment, there has been Re-Presentation and Payment, or other matters occur related to the Depositor's credit on negotiable instruments within three (3) years after the date on which checks drawn by the Depositor or promissory notes on which the Bank is a paying agent are dishonored, the Depositor may request the Bank to approve and transfer to the Bills Clearing House to Record such fact in accordance with the "Guidelines for the Registration of Depositors' Credit on Negotiable Instruments".

第六條 (限制或停止發給空白支票、本票)

ARTICLE 6 LIMITATION OR SUSPENSION ON PROVISION OF BLANK CHECKS OR PROMISSORY NOTES.

存戶如有下列情事之一者，貴行得限制發給空白支票及空白本票：

If any one of the following circumstances exists with regard to the Depositor, the Bank may limit the issuance of blank checks and promissory notes:

一、已發生存款不足退票情事或經常於退票後再辦理清償贖回、提存備付或重提付訖者。

1. the occurrence of Dishonored Negotiable Instruments due to insufficient funds or the Depositor's making frequent Redemptions, deposit of Reserves for Payment or Re-Presentation and Payments after negotiable instruments are dishonored; or

二、使用票據有其他不正常之情事者。

2. Other abnormal situations occur related to use of negotiable instruments.

貴行為前項限制時，應以書面告知限制之理由；對於限制理由，存戶認為不合理時，得向貴行提出申訴。

The Bank shall state the reason for such limitation in writing; with respect to the reason of such limitation, the Depositor may raise objections if the Depositor deems such limitation unreasonable.

存戶在貴行開立之存款帳戶被扣押時，貴行得停止發給空白支票及空白本票，但被扣押之金額經貴行如數提存備付者，不在此限。

In the event that Depositor's deposit account with the Bank is attached, the Bank may suspend the provision of blank checks and promissory notes. However, the preceding provision shall not apply if a Reserve for Payment of the attached amount has been deposited with the Bank.

第七條 (終止擔當付款人之委託)

ARTICLE 7 TERMINATION OF THE MANDATE AS A PAYING AGENT.

除 貴行依開戶或其它文件所生終止帳戶或與存戶之關係之任何權利不受限制外，存戶在各地金融業者所開立之支票存款帳戶，因簽發以金融業者為擔當付款人之本票，於提示期限經過前撤銷付款委託，經執票人提示所發生之退票，未辦妥清償贖回、提存備付或重提付訖之註記，一年內達三張時，貴行得自票據交換所通報日起算，予以終止為存戶擔當付款人之委託三年。

Without limiting any rights the Bank may otherwise have under the account terms or otherwise to terminate the account or relationship with the Depositor, in the event that promissory notes issued by the Depositor drawn on the Depositor's checking account with all financial institutions are dishonored due to withdrawal of the authorization of the financial institution designated as paying agent prior to expiring of the period for presentation, and the number of such dishonored promissory note on which Redemption, Reserve for Payment or Re-Presentation and Payment has not been Recorded is not less than three (3) during the past one (1) year, the Bank may terminate the Depositor's mandate to designate the Bank as a paying agent for a period of three (3) years commencing from the date the Bills Clearing House declares the dishonors. 前項情形貴行終止受存戶委託為擔當付款人時，存戶應於貴行通知後之一個月內，返還剩餘空白本票。

If the Bank terminates the Depositor's mandate to designate the Bank as a paying agent pursuant to the preceding paragraph, the Depositor shall return the remaining blank promissory notes to the Bank within one (1) month after receiving the Bank's notice to do so.

本條之規定僅於貴行另行同意受存戶委託為存戶簽發之本票之擔當付款人時，方有適用。

This Article shall become applicable if and only if the Bank separately agree to be designated as paying agent for the promissory notes issued by the Depositor.

第八條 (拒絕往來)

ARTICLE 8 ACCOUNT REJECTION.

除 貴行依開戶或其它文件所生終止帳戶或與存戶之關係之任何權利不受限制外，存戶在各地金融業者所開立之支票存款戶，因下列情事之一所發生之退票，未辦妥清償贖回、提存備付或重提付訖之註記，一年內合計達三張，或因使用票據涉及犯罪經判刑確定者，貴行得自票據交換所通報日起算，予以拒絕往來三年：

Without limiting any rights the Bank may otherwise have under the account terms or otherwise to terminate the account or relationship with the Depositor, in the event that negotiable instruments drawn on the Depositor's checking accounts with all financial institutions are dishonored due to the existence of one of the following circumstances and the number of such dishonored checks on which Redemption, Reserve for Payment or Re-Presentation and Payment has not been Recorded is not less than three (3) during the past one (1) year, or the Depositor is sentenced for commission of a crime related to using negotiable instruments, the Bank may reject the Depositor's account for a period of three (3) years commencing from the date the Bills Clearing House declares the dishonors:

一、存款不足。

1. Insufficient funds;

二、發票人簽章不符。

2. Incorrect chops or signatures of the issuer;

三、擅自指定金融業者為本票之擔當付款人。

3. Designation of a financial institution to act as paying agent for a promissory note without the agreement of such financial institution.

前項各款退票紀錄分別計算，不予併計。

The records for each item in the preceding paragraph shall be calculated separately and not in aggregate.

第九條 (終止支票存款往來約定之處理)

ARTICLE 9 TERMINATION.

存戶被列為拒絕往來戶，或因其他情事終止支票存款往來之約定時，存戶應於貴行通知後之一個月內，結清帳戶並返還剩餘空白支票及本票。

If the Depositor's account has been rejected, or the agreement for checking deposits has, for any other reason, been terminated the Depositor shall close the account and return all remaining blank checks and promissory notes to the Bank within one (1) month after receipt of the Bank's notice to do so.

第一〇條 (公司重整之暫予恢復往來)

ARTICLE 10 TEMPORARILY RESUMED TRANSACTIONS UPON COMPANY REORGANIZATION.

存戶如為公司組織，於拒絕往來期間屆滿前，經法院裁定准予重整後，得向貴行申請核轉票據交換所辦理重整註記；經重整註記者，貴行得暫予恢復往來，惟 貴行依開戶或其它文件所生終止帳戶或與存戶之關係之任何權利不受限制。

Without limiting any rights the Bank may otherwise have under the account terms or otherwise to terminate the account or relationship with the Depositor, if the Depositor is a company which has obtained an approval for reorganization from a court before the period of Account Rejection has expired, the Depositor may request the Bank's approval and transfer to the Bills Clearing House to Record the reorganization; the Bank may temporarily resume transactions with the Depositor if the reorganization is Recorded.

前項公司在暫予恢復往來之日起至原拒絕往來期間屆滿前再發生存款不足退票，貴行得自票據交換所再通報之日起算，予以拒絕往來三年。

In the event a negotiable instrument is dishonored due to insufficient funds after the date of temporary resumption of transactions but before the expiry date of the initial Account Rejection, the Bank may reject the Depositor's account effective for a period of three (3) years commencing from the date on which the Bills Clearing House declares dishonors.

第一一條 (請求恢復往來)

ARTICLE 11 REQUEST FOR RESUMPTION OF TRANSACTIONS.

存戶如經拒絕往來而有下列情事之一，經貴行同意後，得恢復往來並重新開戶(惟 貴行依開戶或其它文件所生終止帳戶或與存戶之關係之任何權利不受限制)：

Without limiting any rights the Bank may otherwise have under the account terms or otherwise to terminate the account or relationship with the

Depositor, in the event that any of the following circumstance exists with respect to the Depositor subject to an Account Rejection, the Depositor may, with the Bank's consent, open a new account and resume transaction:

一、拒絕往來期間屆滿。

1. The period for Account Rejection has expired; or

二、構成拒絕往來及其後發生之全部退票，均已辦妥清償贖回、提存備付或重提付訖之註記。

2. Recordation of the Redemption, Reserve for Payment, or Re-Presentation and Payment of all Dishonored Negotiable Instruments which gave rise to the Account Rejection and all Dishonored Negotiable Instruments dishonored thereafter.

第一二條 (彙整資料及提供查詢)

ARTICLE 12 MAINTENANCE OF DATA AND INQUIRIES.

存戶同意貴行以票據交換所為彙整退票紀錄及拒絕往來資料處理中心，並同意該所將存戶之退票紀錄、放列為拒絕往來戶及其他有關票據信用之資料，提供予他人查詢。

The Depositor agrees that the Bank may use the Bills Clearing House as a data center for maintaining records for Dishonored Negotiable Instruments and Account Rejections. The Depositor also agrees that such Bills Clearing House may make the Depositor's Record for Dishonored Negotiable Instruments and Account Rejections and all other data related to the Depositor's credit on negotiable instruments available for third party's inquiries.

第一三條 (未盡事宜之補充)

ARTICLE 13 RELATED MATTERS NOT PROVIDED HEREIN.

本條款如有未盡事宜，悉依存戶與貴行間之開戶文件或其他相關文件之規定及有關法令辦理。本條款之規定如與存戶與貴行間之開戶文件或其他相關文件之規定有不一致之處，應以本條款之規定為準。

Matters not specified in this Supplement shall be handled in accordance with the account terms or other related documents between the Depositor and the Bank and the relevant laws and regulations. In the event of any inconsistency between the provisions of this Supplement and the account terms or other related documents between the Depositor and the Bank, this Supplement will prevail.

第一四條 (語言)

ARTICLE 14 LANGUAGE.

本條款係以中英文作成。若中英文有任何不一致之處，悉以英文為準。

This Supplement is made in both Chinese language and English language. If there is any inconsistency between the Chinese language and English language, the English language shall prevail.

立約人 存戶：_____

THE DEPOSITOR: _____

(簽名/蓋章)

西元 年 月 日

Date as of _____