

1 HB255
2 115893-2
3 By Representatives Fincher and Ison (N & P)
4 RFD: Mobile County Legislation
5 First Read: 14-JAN-10

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ENROLLED, An Act,

Relating to Mobile County; to amend Act 99-651, 1999 Second Special Session, (Acts 1999 Second Special Session, p. 105), authorizing government officials to accept credit card payments for amounts due; to provide for the payment of a fee by the user of a credit card to cover the costs of the office for the processing or transactional fees imposed on the transaction by the credit card company or banking institution.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 1 of Act 99-651, 1999 Second Special Session, (Acts 1999 Second Special Session, p. 105), is amended to read as follows:

"Section 1. (a) For purposes of this act, the term "credit card" includes any credit card, charge card, or debit card issued by any bank, foreign lender, domestic lender, or credit card bank as defined in Section 5-20-3, Code of Alabama 1975.

"(b) Notwithstanding any other provision of law to the contrary, any Mobile County elected official required or authorized to receive or collect any payments to state or county government may accept payment of the amount by credit card, as defined herein.

"(c) This act shall be broadly construed to authorize acceptance of credit card payments by county elected

1 officials including, but not limited to, the Mobile County
2 Revenue Commissioner, the Mobile County License Commissioner,
3 the Mobile County Judge of Probate, the Mobile County
4 Commission, and the Sheriff of Mobile County. This act shall
5 be broadly construed to authorize acceptance of credit card
6 payments of all types of amounts payable, including, but not
7 limited to, taxes, license and registration fees, fines, and
8 penalties.

9 "(d) The elected officials responsible for the
10 payment upon audit by the Examiners of Public Accounts shall
11 decide whether to accept credit card payments for any type of
12 payment. If credit card payments are accepted, the elected
13 official may adopt reasonable policies, rules, or regulations
14 not in conflict with this act governing the manner of
15 acceptance of credit card payments. The elected official may
16 enter into appropriate agreements with credit card processors
17 or other appropriate parties as needed to facilitate the
18 acceptance of credit card payments. The agreements may not
19 provide for the acceptance of credit card payments at a
20 discount from the face amount of the payments ~~or for the~~
21 ~~payment of an administrative fee~~. Any agreement shall provide
22 that it may be canceled at any time by the elected official,
23 but the agreement may provide for a reasonable period of
24 notice prior to cancellation.

1 "(e) When payment is made by a credit card, the
2 elected official choosing to accept credit cards shall require
3 the payment of a fee by the user of the credit card to cover
4 the costs of the office for the processing or transactional
5 fees imposed on the transaction by the credit card company or
6 banking institution.

7 "~~(e)~~ (f) No person making any payment by credit card
8 shall be relieved from liability for the underlying obligation
9 except to the extent that the government realizes final
10 payment of the underlying obligation in cash or the
11 equivalent. If final payment is not made by the credit card
12 processor or other guarantor of payment in the credit card
13 transaction, the underlying obligation shall survive and the
14 elected official shall retain all remedies for enforcement
15 which would have applied if the credit card transaction had
16 not occurred. No contract may modify this provision.

17 "~~(f)~~ (g) An elected official who accepts a credit
18 card payment in accordance with this act and any applicable
19 policies, rules, or regulations of county government shall not
20 incur any personal liability for the final collection of the
21 payments."

22 Section 2. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 09-FEB-10.

Greg Pappas
Clerk

Senate

23-MAR-10

Passed