

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Mobile County; to amend Act 99-651, 1999
14 Second Special Session, (Acts 1999 Second Special Session, p.
15 105), authorizing government officials to accept credit card
16 payments for amounts due; to provide for the payment of a fee
17 by the user of a credit card to cover the costs of the office
18 for the processing or transactional fees imposed on the
19 transaction by the credit card company or banking institution.
20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 "Section 1. (a) For purposes of this act, the term
25 "credit card" includes any credit card, charge card, or debit
26 card issued by any bank, foreign lender, domestic lender, or

1 credit card bank as defined in Section 5-20-3, Code of Alabama
2 1975.

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

8 "(c) This act shall be broadly construed to
9 authorize acceptance of credit card payments by county elected
10 officials including, but not limited to, the Mobile County
11 Revenue Commissioner, the Mobile County License Commissioner,
12 the Mobile County Judge of Probate, the Mobile County
13 Commission, and the Sheriff of Mobile County. This act shall
14 be broadly construed to authorize acceptance of credit card
15 payments of all types of amounts payable, including, but not
16 limited to, taxes, license and registration fees, fines, and
17 penalties.

18 "(d) The elected officials responsible for the
19 payment upon audit by the Examiners of Public Accounts shall
20 decide whether to accept credit card payments for any type of
21 payment. If credit card payments are accepted, the elected
22 official may adopt reasonable policies, rules, or regulations
23 not in conflict with this act governing the manner of
24 acceptance of credit card payments. The elected official may
25 enter into appropriate agreements with credit card processors
26 or other appropriate parties as needed to facilitate the
27 acceptance of credit card payments. The agreements may not

1 provide for the acceptance of credit card payments at a
2 discount from the face amount of the payments ~~or for the~~
3 ~~payment of an administrative fee~~. Any agreement shall provide
4 that it may be canceled at any time by the elected official,
5 but the agreement may provide for a reasonable period of
6 notice prior to cancellation.

7 "(e) When payment is made by a credit card, the
8 elected official choosing to accept credit cards shall require
9 the payment of a fee by the user of the credit card to cover
10 the costs of the office for the processing or transactional
11 fees imposed on the transaction by the credit card company or
12 banking institution.

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

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

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