- 1 HB568
- 2 152750-2
- 3 By Representatives Davis, McMillan, Baker and Shiver (N & P)
- 4 RFD: Baldwin County Legislation
- 5 First Read: 04-APR-13

1	ENGROSSED
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	Relating to Baldwin County; providing that the
9	offices of the revenue commissioner, judge of probate, and
10	sheriff shall not be assessed for monetary loss up to a
11	certain amount resulting from the performance of official
12	duties for errors or mistakes made in good faith; and
13	providing for the voiding of licenses issued based on
14	worthless or forged checks.
15	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
16	Section 1. The Baldwin County Revenue Commissioner,
17	Judge of Probate of Baldwin County, and Sheriff of Baldwin
18	County shall not be assessed any monetary loss, not to exceed
19	five thousand dollars (\$5,000) per year, arising or caused by
20	error if the mistake or omission was made in good faith or was
21	caused without the personal knowledge of the officer,
22	including loss arising from acceptance of worthless or forged
23	checks, drafts, money orders, or other written orders for
24	money or its equivalent.
25	Section 2. It shall be the duty of the revenue
26	commissioner, judge of probate, and sheriff to insure that the

employees of the respective offices exercise due care in

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performing their required duties and make a diligent effort to correct the error, mistake, or omission. The respective officers shall make a good faith effort to collect the amount subject to potential loss immediately upon becoming aware of the potential loss.

Section 3. This act shall not apply to any deliberate misuse or misappropriation of funds by the revenue commissioner, judge of probate, or the sheriff, or by any clerk, or any employee of the respective officials.

Section 4. The revenue commissioner, judge of probate, or sheriff, or any official, any clerk, or any employee of the respective officials, shall not be liable for worthless checks if the respective officers make a good faith effort to collect on the worthless checks.

Section 5. In cases where worthless or forged checks, drafts, money orders, or other written orders for money or its equivalent given for a license to the revenue commissioner, judge of probate, or sheriff is found to be noncollectible for any reason, the revenue commissioner, judge of probate, or sheriff shall make a reasonable attempt to retrieve the license in question. In the event that the license cannot be retrieved, the revenue commissioner, judge of probate, or sheriff shall so state and that statement shall constitute authorization to void any license in question. Once the license has been voided, the revenue commissioner, judge of probate, or sheriff, if applicable, shall receive credit for the cost of the license, taxes, and all other fees from

1 the appropriate agencies. If applicable, the appropriate state 2 office shall mark the records pertaining to the license void and, upon inquiry by law enforcement agencies, shall notify 3 the agencies that the party in question is operating under a void license. All violations will be prosecuted in accordance 5 with current law. 6 7 Section 6. All laws or parts of laws which conflict with this act are repealed. 8 Section 7. The provisions of this act are severable. 9 10 If any part of this act is declared invalid or 11 unconstitutional, that declaration shall not affect the part 12 which remains. Section 8. This act shall become effective 13 14 immediately following its passage and approval by the

Governor, or its otherwise becoming law.

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3	House of Representatives
4 5 6 7 8	Read for the first time and re- ferred to the House of Representa- tives committee on Baldwin County Legislation
9 10 11	Read for the second time and placed on the calendar 23-APR-13
12 13 14	Read for the third time and passed as amended
15 16 17	Motion to reconsider adopted
18 19 20	Read for the third time and passed as amended
21 22 23 24	Jeff Woodard Clerk