

1 HB348  
2 208879-1  
3 By Representative Ellis  
4 RFD: State Government  
5 First Read: 04-FEB-21

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8       SYNOPSIS:               This bill would substantially revise the law  
9                               governing tax collecting officials and the their  
10                              duties and powers.

11                             Amendment 621 of the Constitution of Alabama  
12                             of 1901, now appearing as Section 111.05 of the  
13                             Official Recompilation of the Constitution of  
14                             Alabama of 1901, as amended, prohibits a general  
15                             law whose purpose or effect would be to require a  
16                             new or increased expenditure of local funds from  
17                             becoming effective with regard to a local  
18                             governmental entity without enactment by a 2/3 vote  
19                             unless: it comes within one of a number of  
20                             specified exceptions; it is approved by the  
21                             affected entity; or the Legislature appropriates  
22                             funds, or provides a local source of revenue, to  
23                             the entity for the purpose.

24                             The purpose or effect of this bill would be  
25                             to require a new or increased expenditure of local  
26                             funds within the meaning of the amendment. However,  
27                             the bill does not require approval of a local

1 governmental entity or enactment by a 2/3 vote to  
2 become effective because it comes within one of the  
3 specified exceptions contained in the amendment.  
4

5 A BILL  
6 TO BE ENTITLED  
7 AN ACT  
8

9 Relating to tax collectors; to amend Sections 40-5-1  
10 to 40-5-4, inclusive; to repeal Sections 40-5-5 and 40-5-6; to  
11 amend Sections 40-5-7 to 40-5-15, inclusive, and Sections  
12 40-5-17 to 40-5-24, inclusive; to repeal Section 40-5-25; to  
13 amend Section 40-5-26; to repeal Sections 40-5-27 and 40-5-28;  
14 to amend Section 40-5-29; to repeal Section 40-5-30; to amend  
15 Sections 40-5-31 and 40-5-32; to repeal Section 40-5-33; to  
16 amend Section 40-5-34; to repeal Section 40-5-35; to amend  
17 Section 40-5-36; to repeal Sections 40-5-37 to 40-5-40,  
18 inclusive; to amend Sections 40-5-41 and 40-5-42; to repeal  
19 Section 40-5-43; to amend Sections 40-5-44 and 40-5-45; and to  
20 repeal Section 40-5-46 of the Code of Alabama 1975; to add  
21 Section 40-5-48 to the Code of Alabama 1975, to substantially  
22 revise the law governing tax collectors and the duties and  
23 powers thereof; and in connection therewith would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds within the meaning of Amendment 621  
26 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official ReCompilation of the  
2 Constitution of Alabama of 1901, as amended  
3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 40-5-1 to 40-5-4, inclusive,  
5 Code of Alabama 1975, are amended to read as follows:

6 "§40-5-1.

7 ~~"The tax collector shall keep his office open at the~~  
8 ~~courthouse all the year round. In all counties of the state~~  
9 ~~having a population of 100,000 or less according to the last~~  
10 ~~or any subsequent federal census, the tax collector shall be~~  
11 ~~required between October 1 and January 1 in each year to visit~~  
12 ~~each precinct in the county by himself or by deputy to collect~~  
13 ~~the taxes, and he shall give the same notice of such~~  
14 ~~appointments as is given by the tax assessor. The county~~  
15 ~~commission may by order duly entered on the minutes relieve~~  
16 ~~the tax collector from making the visits to each voting place~~  
17 ~~above provided for when in the judgment of the commission it~~  
18 ~~is deemed advisable and shall by order specify the places in~~  
19 ~~the county which the tax collector shall visit. (a) As used in~~  
20 this chapter, the term "tax collecting official" means the  
21 elected or appointed official charged with collecting ad  
22 valorem taxes and other prescribed fees on real and personal  
23 property in the county.

24 "(b) The office of each tax collecting official  
25 shall be open on the same days and hours as all other county  
26 offices in the county as prescribed by the county commission.

27 "§40-5-2.

1           The tax ~~collector is authorized to~~ collecting  
2 official may appoint deputies, ~~and the acts of such.~~ The  
3 deputies shall ~~be recognized as his acts, and he shall be~~  
4 responsible for any ~~loss sustained by any taxpayer or by the~~  
5 ~~state or county by reason of the acts done by such deputies in~~  
6 ~~the line of their powers and duties. Such deputies shall~~  
7 ~~receive no compensation for their services out of the state or~~  
8 ~~county revenue, except as otherwise provided by law~~ errors  
9 that they make. The bond for each deputy shall be not less  
10 than 50 percent of the tax collecting official's bond. The  
11 expense of the bond shall be paid from the county general  
12 fund.

13           "§40-5-3.

14           Before assuming office, the tax collector collecting  
15 official must shall execute a bond in duplicate with a surety  
16 company authorized to do business in Alabama, payable to the  
17 State of Alabama, in an amount to be determined for every  
18 county by the Comptroller. The amount of the bond for each tax  
19 ~~collector~~ collecting official will shall be set at the  
20 beginning of his or her elected or appointed term for the  
21 duration of ~~such~~ the term. A new bond for an additional amount  
22 may be required whenever, in the judgment of the Comptroller,  
23 the public welfare demands such action. The amount of the bond  
24 ~~will~~ shall be determined by the use of the following table  
25 based on a percentage of the total annual taxes collected, as  
26 recorded in the latest audit report for each office published

1 at least four months prior to the date the bond is required to  
2 be filed:

3 TABLE FOR COMPUTING AMOUNT OF TAX ~~COLLECTOR'S~~ COL-  
4 LECTING OFFICIAL'S BOND.

5	Over	But Not Over	Amount of Bond
6	Zero	\$ 250,000	\$25,000
7	\$ 250,000	\$1,000,000	\$25,000 + 5%
8	\$1,000,000	_____	\$62,500 + 1%

9 The bond of the tax ~~collector~~ collecting official  
10 shall be approved by the Comptroller, conditioned ~~faithfully~~  
11 ~~to discharge~~ on the faithful performance of the duties of his  
12 or her office, ~~which are or may be required of him by law~~  
13 ~~during the time he continues therein or discharges any of the~~  
14 ~~duties thereof.~~ The bond, in duplicate, shall be sent to the  
15 office of the Comptroller on or before September 1, next after  
16 his or her election or, if appointed, prior to the date that  
17 he or she is to assume the duties of the office, for the  
18 Comptroller's approval. One copy shall be retained and filed  
19 in the Comptroller's office, and one copy shall be returned to  
20 the office of the ~~probate~~ judge of probate to be filed and  
21 recorded in his or her office. The cost of the bond required  
22 by this section shall be paid out of the general fund of the  
23 county on a warrant of the county commission, and the same  
24 shall be a preferred claim against the county.

1                   "§40-5-4.

2                   "(a) ~~The tax collector shall be entitled to receive~~  
3 ~~commissions on taxes collected by him, not including taxes on~~  
4 ~~real estate bid in by the state at tax sales and taxes which~~  
5 ~~would be due on property except for the provisions of the~~  
6 ~~presently applicable law exempting homesteads from state~~  
7 ~~taxes, as follows: In counties where collections, not Not~~  
8 ~~including taxes on real estate bid in by the state at tax~~  
9 ~~sales and taxes which that would be due on property except for~~  
10 ~~the provisions of the presently applicable law exempting~~  
11 ~~homesteads from state taxes, do not exceed \$12,000, the tax~~  
12 ~~collecting official shall collect commissions from the state~~  
13 ~~and county general funds at the following ~~rate~~ rates of~~  
14 ~~commission:~~

15                   "(1) ~~shall be 10~~ Ten percent on the first five  
16 thousand dollars (\$5,000), ~~five.~~

17                   "(2) Five percent on the next four thousand dollars  
18 (\$4,000).

19                   "(3) Four percent on the next three thousand dollars  
20 (\$3,000).

21                   "(4) One and one-half percent on the remainder up to  
22 fifteen thousand dollars (\$15,000). ~~and four~~

23                   "(5) One percent on the remainder above \$15,000.

24                   "(b) ~~The commission herein provided for is to be~~  
25 ~~calculated on collections for real property and personal~~  
26 ~~property, except motor vehicles, for the general fund of the~~  
27 ~~state and county. In counties where the collections, not~~

1 including taxes on real estate bid in by the state at tax  
2 sales and taxes which would be due on property except for the  
3 provisions of the presently applicable law exempting  
4 homesteads from state taxes, exceed \$12,000, the commissions  
5 shall be as above declared up to \$12,000, and one and one-half  
6 percent on the remainder up to \$15,000, and one percent on the  
7 remainder above \$15,000. The commissions for collections of  
8 taxes on motor vehicles for the general fund of the state and  
9 county shall be calculated on the same basis and at the same  
10 rate as provided for the collections on real property and  
11 personal property other than motor vehicles for the general  
12 fund of the state and county. The amount of the commissions on  
13 taxes which would be due on property except for the provisions  
14 of the presently applicable law exempting homesteads from  
15 state taxes shall inure to the benefit of the General Fund of  
16 the state only and shall be covered into the Treasury to the  
17 credit of said fund. He shall also be entitled to receive two  
18 percent on all collections made by him of special taxes,  
19 whether such special taxes are levied for the state or county,  
20 to be paid out of such special taxes. The tax collector  
21 collecting official, pursuant to Section 40-4-2, shall receive  
22 two percent commissions on all special county or district  
23 taxes levied for school purposes. The collector may retain his  
24 commissions upon collections when he makes payment into the  
25 Treasury collect and disburse all commissions on special taxes  
26 at a rate of two percent for collecting and two percent for



1 assessing to the county general fund, unless specifically  
2 exempted by law.

3 "(c) In Jefferson County, no fees or commissions  
4 shall be allowed for collecting the three-mill county school  
5 tax and the three-mill district school tax.

6 ~~"In all counties having a population of 225,000 or  
7 more inhabitants according to the last or any subsequent  
8 decennial federal census, the license commissioner, director  
9 of revenue, or other official in such counties now charged  
10 with the duty of collecting ad valorem taxes due the state and  
11 county on motor vehicles shall continue to collect said ad  
12 valorem tax due the state and county on motor vehicles and all  
13 fees, charges, and commissions for collecting said ad valorem  
14 tax on motor vehicles provided in this section to be paid to  
15 the tax collector shall be paid to said license commissioner,  
16 director of revenue, or other official now charged with the  
17 collection of said ad valorem tax on motor vehicles in such  
18 county, and he shall pay said commissions into the county  
19 treasury, and all commissions collected by the tax collector  
20 in such counties who is on a salary basis shall be paid into  
21 the county treasury, and said commissions so collected and  
22 paid into the county treasury shall be the property of the  
23 county."~~

24 Section 2. Sections 40-5-5 and 40-5-6, Code of  
25 Alabama 1975, are repealed.

1           Section 3. Sections 40-5-7 to 40-5-15, inclusive,  
2           and 40-5-17 to 40-5-24, inclusive, are amended to read as  
3           follows:

4           "§40-5-7.

5           "After January 1, the ~~collector~~ tax collecting  
6           official must shall make a ~~personal~~ demand in writing by first  
7           class mail upon delinquent taxpayers, or their agents charged  
8           with the duty of paying their taxes, ~~whenever they may be~~  
9           ~~found, for the amount of their taxes and fees, and when unable~~  
10          ~~to find them, to make a demand by certified or registered mail~~  
11          ~~directed to his last known place of residence or business,~~  
12          ~~return receipt demanded.~~ The demand fee shall be five dollars  
13          (\$5) for each property. It shall be the duty of ~~such~~  
14          ~~delinquents forthwith~~ the delinquent taxpayer to pay the taxes  
15          and fees assessed and charged against ~~them~~ the taxpayer, but  
16          failure to comply with the requirements of this section shall  
17          not invalidate the title to any property sold for taxes.

18          "§40-5-8.

19          "If the taxes are paid after they become delinquent,  
20          the taxpayer shall pay all costs, fees, ~~and charges,~~ and  
21          interest, if any, that may at the time of payment have  
22          lawfully accrued.

23          "§40-5-9.

24          "Notwithstanding ~~the provisions of~~ Section 40-1-44,  
25          all ad valorem taxes becoming delinquent bear interest at the  
26          rate of 12 percent per annum, ~~and such interest must.~~ The  
27          interest shall be added to and collected as part of the taxes

1 and shall be reported in such the manner as prescribed by the  
2 Comptroller ~~may prescribe.~~

3 "§40-5-10.

4 "Upon the payment by any taxpayer of the taxes,  
5 fees, and costs, if any, assessed and charged against ~~him~~ the  
6 taxpayer, the ~~collector~~ tax collecting official shall give the  
7 taxpayer a receipt ~~therefor from the book mentioned in Section~~  
8 ~~40-5-11,~~ showing the name of the taxpayer, the date of the  
9 payment, and the total assessed value of real and personal  
10 property, separately, and stating the amount of the state,  
11 county, and special taxes separately, together with the  
12 interest, costs, and fees, ~~and such receipt shall be prima~~  
13 ~~facie evidence that such taxpayer has paid all his state and~~  
14 ~~county taxes for that year on the real and personal property~~  
15 ~~and other subjects of taxation contained in his assessment~~  
16 ~~lists and all fees and costs mentioned in such receipt. When~~  
17 ~~any taxpayer shall pay all the taxes on any parcel of real~~  
18 ~~estate separately assessed, the description thereof shall be~~  
19 ~~placed on the receipt.~~

20 "§40-5-11.

21 "~~The collector shall keep a book or books of~~  
22 ~~receipts with duplicate sheets for each tax year, from which~~  
23 ~~all receipts given to taxpayers must be taken; and, on payment~~  
24 ~~by any taxpayer, the collector shall enter on the duplicate~~  
25 ~~from which the receipt is taken the name of such taxpayer, the~~  
26 ~~date of payment and the amount of taxes and the interest and~~  
27 ~~costs as specified in the receipt prescribed in Section~~

1     ~~40-5-10, and such duplicate and the receipt taken therefrom~~  
2     ~~shall bear the same number and correspond in all respects.~~  
3     ~~Such book or books at the end of the tax year shall be~~  
4     ~~delivered by the collector to the chairman of the county~~  
5     ~~commission, and the production thereof by the collector may be~~  
6     ~~compelled by such commission at any time before such delivery.~~  
7     The tax collecting official shall maintain a historic file of  
8     all individual tax payments.

9             "§40-5-12.

10            "A purchaser, ~~lien holder~~ lienholder, or mortgagee  
11     of real estate or personal property included in an assessment  
12     ~~with other real estate or personal property of the person to~~  
13     ~~whom the real estate or personal property was assessed or~~  
14     ~~subject to the lien of taxes upon other real estate or~~  
15     ~~personal property shall not be required to pay the entire~~  
16     ~~amount of taxes due by the person or corporation to whom such~~  
17     ~~real estate or personal property purchased or on which a lien~~  
18     ~~or mortgage is held is assessed, but may discharge the tax~~  
19     lien against ~~such~~ the real estate or personal property  
20     purchased or on which a lien or mortgage is held by paying the  
21     actual amount of the taxes due to the tax collector collecting  
22     official of the county in which ~~such~~ the taxes are due and  
23     payable ~~the actual amount of taxes due on such real estate or~~  
24     ~~personal property purchased or in which a lien or mortgage is~~  
25     ~~held based on the taxable value of such purchased or~~  
26     ~~encumbered property as assessed for taxation by the person or~~  
27     ~~corporation to whom assessed; provided, that such person or~~

1 ~~corporation to whom such purchased or encumbered property is~~  
2 ~~assessed or for whose taxes such purchased or encumbered~~  
3 ~~property is subject to a tax lien has sufficient other real~~  
4 ~~estate or personal property returned or assessed and subject~~  
5 ~~to levy or sale out of which the remainder of the taxes may be~~  
6 ~~collected by the tax collector and, provided further, that the~~  
7 ~~taxable value of the real estate or personal property sought~~  
8 ~~to be discharged from such tax lien can be ascertained from~~  
9 ~~the assessment.~~

10 "§40-5-13.

11 "Any person ~~listing~~ who lists for assessment more  
12 than one piece or parcel of real property ~~which~~ that has been  
13 listed and valued separately may pay taxes on any one or more  
14 of ~~said~~ the pieces; provided, that ~~he~~ the person shall first  
15 pay taxes on all personal property listed by ~~him~~ the person in  
16 ~~said~~ the assessment.

17 "§40-5-14.

18 "(a) After January 1 of each year, the tax ~~collector~~  
19 collecting official may must proceed, without delay, to levy  
20 upon the personal property of delinquent taxpayers for the  
21 payment of their taxes and, after having first given 10 days'  
22 notice of the time and place of sale, with a description of  
23 the property to be sold, by ~~posting the same at three or more~~  
24 ~~public places in the precinct of the residence of such~~  
25 ~~delinquent, either at the time of assessment or of the levy,~~  
26 ~~or, if he is a nonresident of the county, in the precinct in~~  
27 ~~which the levy is made he must~~ certified mail and by posting

1 on an online website controlled by the tax collecting official  
2 and accessible from the tax collecting official's website.

3 "(b) The tax collecting official shall sell the same  
4 property, or so as much thereof of the property as may be  
5 necessary to satisfy the taxes, fees, and expenses of the  
6 sale, including the expenses of keeping the property and  
7 moving the same property to the place of sale in front of the  
8 courthouse of the county, or at the voting place, or at the  
9 residence or place of business of such the delinquent  
10 taxpayer, or at any other place in the precinct in which such  
11 the notice was posted, at public outcry to the highest bidder.  
12 for cash, and the property so Property sold shall under this  
13 section is not be subject to redemption. For making such sale,  
14 the collector shall be allowed a fee of \$5, to be collected  
15 out of the property.

16 "(c) In lieu of physically securing the property or  
17 storing or transporting the property to another location for  
18 sale, the sale may be held at any place of business,  
19 warehouse, storeroom, or facility owned or under the  
20 possession of the taxpayer, including without limitation the  
21 current location of the property to be sold.

22 "Such (d) The taxpayer may, at any time before the  
23 sale, may pay the taxes, interest, fees, and expenses,  
24 including the collector's tax collecting official's fees for  
25 the sale, the same as if it had been made, and thereby  
26 discharge the levy.

1           "(e) A person who knowingly removes, destroys, or  
2 defaces personal property subject to levy and sale under this  
3 section or who, on the date of the sale of the personal  
4 property, knowingly interferes with or obstructs the tax  
5 collecting official or sheriff, or an agent or deputy thereof,  
6 from accessing or selling the property is guilty of a Class B  
7 misdemeanor.

8           "§40-5-15.

9           "(a) The proceeds arising from such a sale for taxes  
10 under this chapter shall be applied to the payment of the  
11 expenses of the sale and of the taxes, interest, and fees due  
12 from such the taxpayer, and any balance remaining shall be  
13 paid to the owner of the property, if present at the sale; if  
14 not present or if present and he refuses to receive the same,  
15 the collector shall deposit such balance with the county  
16 treasurer or, if there is no county treasurer, with such  
17 officer entrusted with the county funds, taking a receipt  
18 therefor, and the same shall be kept as a special fund; and,  
19 whenever the owner shall apply to the collector for such  
20 balance, the collector shall deliver to him the receipts  
21 therefor, and upon presentation thereof by such owner, the  
22 officer with whom such deposit was made shall pay to him the  
23 amount expressed in the receipt . If the owner of the property  
24 is not present on the day of the sale to receive the remaining  
25 balance, the tax collecting official shall maintain the funds  
26 for 60 days during which time the owner may apply for the  
27 remaining balance. If any remaining balance is not collected

1 or claimed within 60 days after the sale by the person  
2 entitled to receive the remaining balance, the tax collecting  
3 official shall deposit the excess money with the county  
4 treasurer, or another officer entrusted with the county funds,  
5 to the credit of the county general fund. The county treasurer  
6 shall make record of the deposit on his or her books, and the  
7 excess money shall thereafter be treated as a part of the  
8 county general fund.

9 " ~~(b) But if such excess~~ If any remaining balance is  
10 not called for collected or claimed in three years within 60  
11 days after such the sale by the person entitled to receive the  
12 same remaining balance, upon the order of the county  
13 commission, stating the case or cases in which such excess was  
14 paid, together with a description of the property sold, when  
15 sold and the amount of such excess, the county treasurer shall  
16 pass transfer such the excess money to the credit of the  
17 general fund of the county and make record of the ~~same~~  
18 transfer on his or her books, and ~~such the excess~~ money shall  
19 thereafter be treated as a part of the general fund of the  
20 county.

21 "§40-5-17.

22 "(a) When the collector a tax collecting official  
23 has information that any person owing taxes in his the county,  
24 whether due or not, has left the county, he the tax collecting  
25 official shall make out and certify to the judge of probate a  
26 bill against ~~such the~~ person and procure the approval ~~thereof~~  
27 of the bill by the judge of probate in all respects as



1 provided in Section 40-5-31, ~~and such~~ . The bill shall operate  
2 as a writ of fieri facias, ~~and the same.~~

3 "(b) The writ may be executed by the collector tax  
4 collecting official if the assessed personal property of the  
5 taxpayer is found in his the county of the tax collecting  
6 official. ~~or may be by such collector forwarded~~

7 "(c) The tax collecting official may forward a copy  
8 of the writ to the collector tax collecting official of any  
9 other county in which the delinquent taxpayer has any  
10 property, and the collector the tax collecting official of  
11 such the other county, on the receipt of such the writ, shall  
12 file the same writ for record in the probate office in his or  
13 her county and, without delay shall give notice to the  
14 delinquent taxpayer in person or by certified or registered  
15 mail, return receipt demanded.

16 "(d) On failure of said the delinquent taxpayer to  
17 satisfy after 30 days from the date of such the notice, the  
18 taxes, fees, and costs due under the writ, in addition to the  
19 recording fee and a fee of five dollars (\$5) for executing  
20 such writ, ~~he~~ the tax collecting official shall proceed to  
21 execute the ~~same~~ writ as if issued in his or her county. ~~He~~  
22 The tax collecting official shall remit collections thereon to  
23 the ~~collector~~ tax collecting official sending ~~him~~ the writ ~~and~~  
24 ~~is liable under his bond for any neglect of duty under this~~  
25 ~~section."~~

26 "§40-5-18.

1            "No property ~~shall be~~ is exempt from the levy and  
2 sale for the payment of taxes and the fees and charges that  
3 are lawfully incurred in assessing and collecting the taxes  
4 against the owner ~~thereof~~ of the property.

5            "§40-5-19.

6            "(a) When no personal property can be found out of  
7 which the taxes of any delinquent taxpayer can be collected,  
8 or an amount insufficient to fully satisfy ~~such~~ the taxes, the  
9 real estate of ~~such~~ the delinquent taxpayer or the real estate  
10 upon which ~~such~~ the delinquent taxpayer's taxes are a lien  
11 shall be sold for the payment ~~thereof~~ of the taxes, or of the  
12 balance due thereon, ~~in the manner hereinafter prescribed as~~  
13 provided in this chapter.

14            "(b) ~~But Notwithstanding subsection (a),~~ the failure  
15 of the tax ~~collector~~ collecting official to ~~so~~ exhaust ~~such~~  
16 the personal property of the delinquent taxpayer ~~shall~~ does  
17 not invalidate the sale of any real estate.

18            "§40-5-20.

19            "(a) (1) If the tax upon assessed tangible personal  
20 property of a taxpayer remains unpaid after January 1 in any  
21 year, the county tax collecting official shall present the  
22 account for taxes to any person or entity who the collecting  
23 official ~~the collector~~ ascertains or has just cause to believe  
24 ~~that any person is~~ may be indebted to the delinquent taxpayer,  
25 or has in his or her possession or under his or her control  
26 any money, property, or choses in action belonging to any  
27 delinquent taxpayer in ~~his~~ the county, and demand the payment

1 of the taxes and fees due from the taxpayer. The demand shall  
2 operate as a levy upon any assets of the delinquent taxpayer  
3 in the possession or control of the third party to whom the  
4 taxpayer is indebted and shall have the force and effect of a  
5 writ of garnishment. ~~he shall forthwith serve upon such person~~  
6 ~~a notice in writing to appear before some court in the county~~  
7 ~~having jurisdiction of the amount involved, naming the court,~~  
8 ~~to answer as garnishee and under oath whether he was indebted~~  
9 ~~to such taxpayer at the time of the service of the notice or~~  
10 ~~at the time of making his answer, or whether he will be~~  
11 ~~indebted to him by any contract then existing, and if so, the~~  
12 ~~amount of such indebtedness, and whether he has in his~~  
13 ~~possession, or under his control any and what money, property,~~  
14 ~~or choses in action belonging to such taxpayer; and in such~~  
15 ~~notice he shall state the amount of the taxes and fees due~~  
16 ~~from such taxpayer. He~~ The tax collecting official shall also  
17 ~~forthwith~~ immediately give ~~such~~ the delinquent taxpayer, if in  
18 the county, written notice of the service of ~~such~~ the  
19 ~~garnishment; and if he.~~ If the delinquent taxpayer resides in  
20 the state but is not in the county ~~and resides in the state,~~  
21 and his or her address is known or can be ascertained, ~~he~~ the  
22 tax collecting official shall give notice to ~~such~~ the  
23 delinquent taxpayer, and return the executed garnishment and  
24 notice ~~he shall, without delay, return executed to the court~~  
25 before which the garnishee is cited to appear.

26 "(2) The person or entity to whom the account for  
27 delinquent taxes is presented shall pay over to the county tax

1 collecting official the amount of the taxes and fees that the  
2 delinquent taxpayer owes and shall take the tax collecting  
3 official's receipt for the payment. The receipt shall be taken  
4 in all courts of this state as payment on the delinquent  
5 taxpayer's indebtedness to the full amount expressed on the  
6 receipt.

7 "(b) If, on demand, the person or entity fails or  
8 refuses to pay over the amount of the tax that the delinquent  
9 taxpayer owes to the tax collecting official, the tax  
10 collecting official shall file a statement of the amount of  
11 the tax and fees with the person or entity so refusing. The  
12 statement shall operate as a garnishment upon the person or  
13 entity so served. The tax collecting official shall proceed to  
14 collect the taxes in the manner fixed by law in cases of  
15 garnishment.

16 "(c) It shall be the duty of the ~~collector, as far~~  
17 ~~as by diligent inquiry he can,~~ tax collecting official to  
18 ascertain what persons are indebted to or have in their  
19 possession any money, property, or choses in action belonging  
20 to any delinquent taxpayer.

21 "(d) A delinquent taxpayer may not be compelled to  
22 pay any debt before the debt is due, nor be compelled to pay a  
23 greater amount than is owed.

24 "(e) The cost of garnishment shall be paid by the  
25 party refusing to pay the taxes when so requested.

26 "§40-5-21.

1           ~~Such~~ Garnishment proceedings shall be conducted in  
2 the name of the state and before the circuit court.

3           "§40-5-22.

4           "The clerk and the sheriff shall be entitled to the  
5 same fees as in cases of garnishment on judgments, and the  
6 ~~collector~~ tax collecting official shall be entitled to two  
7 dollars (\$2).

8           "§40-5-23.

9           ~~"The tax collector shall in each year report on oath  
10 to the Department of Revenue at Montgomery, and to the county  
11 commission at the June meeting thereof, a list on a form  
12 prescribed by the Department of Revenue of the persons from  
13 whom the taxes assessed against them cannot be collected, with  
14 the amount of taxes, state and county assessed against each,  
15 which shall be termed "list of insolvents," and a list of such  
16 persons as have been overassessed or wrongfully assessed, with  
17 the taxes, state and county assessed against each, which shall  
18 be termed "list of errors in assessments," and any taxes which  
19 may be in litigation, in order that the same may be passed  
20 upon and determined by the commission. The tax collector shall  
21 cause the said "list of insolvents" to be published twice  
22 during the month of July following the submission thereof at  
23 the first regular meeting in June of the county commission.  
24 Said publication shall be made in a daily newspaper printed  
25 and published in said county or, if no such paper is published  
26 therein, then in a weekly newspaper published in said county;  
27 if there is neither a daily nor weekly newspaper of any sort~~

1 ~~published in said county, then he shall post said "list of~~  
2 ~~insolvents" in the courthouse and in three other conspicuous~~  
3 ~~places in said county and keep said posting available for the~~  
4 ~~public during the entire month of July. A failure to publish~~  
5 ~~said list as here required shall constitute a misdemeanor.~~

6 ~~"One third of the cost of advertisement provided in~~  
7 ~~this section shall be paid out of the General Fund of the~~  
8 ~~state by warrant drawn by the Comptroller, and two thirds~~  
9 ~~thereof shall be paid out of the general fund of the county in~~  
10 ~~which said advertisement is made.~~

11 "(a) (1) On or before the first regular county  
12 commission meeting in June of the current tax year, the tax  
13 collecting official shall submit a report to the county  
14 commission on a form provided by the Department of Revenue  
15 showing all errors in assessments, taxes in litigation,  
16 insolvents, lands bid in to the state, and tax liens that were  
17 not auctioned or sold, including a list of insolvents.

18 "(2) The list of insolvents required to be reported  
19 in subdivision (1) shall include the name, residential or  
20 business address, and all taxes, cost, and interest charged  
21 against each listed person. The tax collecting official shall  
22 cause the list to be published for two weeks in July on a  
23 website of the tax collecting official or the county website  
24 of which the tax collecting official has access, or in a local  
25 newspaper published and printed in the county.

1           "(3) A tax collecting official who fails to publish  
2 and display the list of insolvents as required in subdivision  
3 (2) shall be guilty of a Class C misdemeanor.

4           "(b) The cost, if any, for advertisement of the list  
5 of insolvents required under this section shall be paid from  
6 the county general fund and any money collected from  
7 insolvents shall include the cost of advertisement and repaid  
8 to the county general fund.

9           "(c) All reports submitted to the county commission  
10 under this section shall be certified and forwarded to the  
11 Comptroller upon the tax collecting official's final  
12 settlement to allow credits to the tax collecting official.

13           "§40-5-24.

14           ~~"At the first regular meeting in June, the county~~  
15 ~~commission shall make a careful and rigid examination of such~~  
16 ~~lists and of the facts pertaining thereto, in consultation~~  
17 ~~with the tax assessors, and shall ascertain and determine what~~  
18 ~~taxes contained in the lists of insolvents the collector could~~  
19 ~~not, by the use of due diligence, have collected, and what~~  
20 ~~taxes contained in the list of errors in assessments should~~  
21 ~~not have been collected by him by reason of such errors, and~~  
22 ~~shall correct such list accordingly, shall credit the~~  
23 ~~collector with the county taxes contained in such list as~~  
24 ~~corrected and shall ascertain what taxes are in litigation and~~  
25 ~~credit the collector with the county taxes so in litigation.~~  
26 ~~The credits allowed the tax collector under this section shall~~  
27 ~~be approved by the Department of Revenue.~~

1           "(a) The county commission shall make a careful  
2 examination of all reports submitted to the county commission  
3 pursuant to Section 40-5-23 and, in consultation with the tax  
4 collecting official, shall determine which taxes on insolvents  
5 on the list could not be collected.

6           "(b) The county commission shall direct the tax  
7 collecting official to provide to the official responsible for  
8 issuing state, county, and municipal business or manufacturing  
9 licenses that no license shall be issued for any person that  
10 has insolvent status until confirmation is provided by the tax  
11 collecting official that the insolvent's taxes have been paid.  
12 As provided in this subsection, payment of insolvent taxes  
13 includes all taxes, fees, and interest that have accrued and  
14 any cost incurred to collect the taxes. Payment must be made  
15 with certified funds.

16           "(c) After all reports have been examined and  
17 approved, the county commission shall provide a letter of  
18 approval and acceptance for credits to the state Comptroller  
19 for final settlement for the tax collecting official."

20           Section 4. Section 40-5-25, Code of Alabama 1975, is  
21 repealed.

22           Section 5. Section 40-5-26, Code of Alabama 1975, is  
23 amended to read as follows:

24           "§40-5-26.

25           "Upon the allowance and credit to the tax ~~collector~~  
26 collecting official of insolvent taxes for insolvents and  
27 taxes in litigation, a new account must be stated by the



1 county commission for county taxes and by the Comptroller for  
2 state taxes for the credits allowed the tax collecting  
3 official and shall remain charges for no more than three years  
4 from the tax lien date of the initial tax insolvency. For  
5 taxes in litigation, termination shall be at the discretion of  
6 the state Comptroller. After the specified time, the liability  
7 for charges on an insolvency shall be reported by the tax  
8 collecting official to the county commission and state  
9 Comptroller. as provided in Sections 40-5-24 and 40-5-25, the  
10 county commission shall, on behalf of the county, state a new  
11 account against the collector for the amounts of insolvent  
12 county taxes and county taxes in litigation so allowed and  
13 credited; and, upon allowance by the Comptroller of the  
14 credits for insolvent state taxes and state taxes in  
15 litigation, as provided in Section 40-5-25, a new account must  
16 be stated by the Comptroller against the collector for the  
17 amounts of insolvent state taxes and the amounts of state  
18 taxes in litigation so allowed and credited; and the collector  
19 shall remain charged with such sums until the liability is  
20 discharged, as hereinafter provided."

21 Section 6. Sections 40-5-27 and 40-5-28, Code of  
22 Alabama 1975, are repealed.

23 Section 7. Section 40-5-29, Code of Alabama 1975, is  
24 amended to read as follows:

25 "§40-5-29.

26 "At the first regular meeting of the county  
27 commission ~~held during~~ in January of the year next succeeding,

1 the ~~collector must~~ tax collecting official shall make a final  
2 report of the uncollected ~~balances of such insolvent taxes and~~  
3 taxes in litigation. The county commission shall issue a  
4 credit to the tax collecting official for the satisfaction of  
5 final settlement with the Comptroller. ~~, showing the name of~~  
6 ~~every insolvent taxpayer from whom he has been unable to~~  
7 ~~collect, the amounts of state and county taxes due from him~~  
8 ~~and an itemized report of the taxes still in litigation; and~~  
9 ~~thereupon, if the commission is satisfied that the collector~~  
10 ~~has made diligent effort to collect such taxes, the commission~~  
11 ~~shall make an order allowing the collector credit for such~~  
12 ~~insolvent taxes as he has been unable to collect and for taxes~~  
13 ~~remaining in litigation and shall credit him with all county~~  
14 ~~taxes included therein; and the presiding officer shall~~  
15 ~~certify the same to the Comptroller, who shall thereupon~~  
16 ~~credit the collector with the state taxes included in the~~  
17 ~~lists so allowed. The account for accounts of taxes remaining~~  
18 ~~in litigation that are remaining shall ~~thereafter~~ be kept in~~  
19 ~~such a manner as ~~the~~ prescribed by the Comptroller may~~  
20 ~~prescribe."~~

21 Section 8. Section 40-5-30, Code of Alabama 1975, is  
22 repealed.

23 Section 9. Sections 40-5-31 and 40-5-21, Code of  
24 Alabama 1975, are amended to read as follows:

25 "§40-5-31.

26 "It shall be the duty of the tax ~~collector~~  
27 collecting official, whenever upon information or otherwise he

1 or she has good reason to believe that any person owing taxes,  
2 whether due or not, is about to leave or remove his or her  
3 property from the county, or that ~~such~~ the person is closing  
4 out or going out of business or disposing of substantially all  
5 of his or her personal property and ~~thereby~~ the collection of  
6 ~~such~~ the taxes is endangered, to make out and certify to the  
7 judge of probate a bill against ~~such~~ the person for the amount  
8 of ~~such~~ the taxes and any fees due to the assessor or  
9 ~~collector~~ collecting official; ~~and, upon.~~ Upon the approval  
10 ~~thereof~~ of the bill by the judge of probate in writing  
11 endorsed thereon, ~~such~~ the bill shall operate as a writ of  
12 fieri facias ~~which~~ that the ~~collector~~ collecting official ~~is~~  
13 ~~authorized to~~ may execute by levy and sale, in the same manner  
14 as sheriffs are authorized to execute ~~such~~ writs when issued  
15 out of the circuit court. ~~Said~~ The writ may be executed in any  
16 county of the state where property of the taxpayer is found.  
17 The ~~collector~~ tax collecting official of ~~such~~ the county ~~must~~  
18 shall execute the writ forwarded to him or her by the  
19 ~~collector~~ collecting official of the county where the  
20 assessment was made, the same as if issued in his or her own  
21 county. ~~He~~ The tax collecting official shall remit collections  
22 ~~thereon~~ on the writ to the ~~collector~~ other collecting official  
23 ~~who sending him~~ sent the writ and is liable on his or her bond  
24 for any neglect of duty under this section. Advertisements in  
25 newspapers or otherwise of sales of any personal property as a  
26 closing out sale, fire sale, bankrupt sale, or any sale of  
27 like character shall be prima facie evidence that the

1 collection of taxes due on property so advertised is  
2 endangered within the meaning of this section.

3 "§40-5-32.

4 ~~"On failure of the tax collector to act when  
5 notified that any person is about to leave or remove his  
6 property from the county or that such person is closing out or  
7 going out of business or is disposing of substantially all of  
8 his personal property by a closing out sale, bankrupt sale,  
9 fire sale, manufacturers' sale, or otherwise, and the  
10 collection of taxes due or to become due is endangered, he  
11 shall be liable for the amount of taxes assessed against such  
12 person.~~

13 "(a) As used in this section, the term "partial  
14 payment" means a payment that is less than the full amount of  
15 taxes due.

16 "(b) At the discretion of the tax collecting  
17 official, the collecting official may accept one or more  
18 partial payments of any amount per tax account for payment of  
19 taxes and assessments on tangible personal property.

20 "(c) Each partial payment, less a 10 dollar (\$10)  
21 processing fee payable to the tax collecting official, shall  
22 be credited to the tax account. The taxpayer has the  
23 responsibility to ensure that the remaining amount due is  
24 paid.

25 "(d) The tax collecting official shall prepare and  
26 mail at least one notice with the balance due. The collecting  
27 official shall mail the notice in the form as he or she

1 considers proper and necessary or as may be required by rule  
2 of the Department of Revenue.

3 "(e) At the tax collecting official's discretion, an  
4 underpayment of 10 dollars (\$10) or less may be deemed a  
5 payment in full, rather than a partial payment."

6 Section 10. Section 40-5-33, Code of Alabama 1975,  
7 is repealed

8 Section 11. Section 40-5-34, Code of Alabama 1975,  
9 is amended to read as follows:

10 "§40-5-34.

11 "(a) It is the duty of the ~~collector~~ tax collecting  
12 official, when engaged in the collection of taxes for any  
13 year, ~~if he discovers~~ upon discovering that any person or  
14 property within ~~his~~ the county has not been assessed with ~~the~~  
15 ~~tax or~~ any taxes lawfully chargeable to ~~such~~ the person or  
16 property for that year, or any preceding year, not more than  
17 five years before ~~that~~ the time of discovery, ~~forthwith to~~  
18 ~~assess and collect the taxes due on the same and in writing to~~  
19 ~~notify the assessor of the fact so discovered, in order that~~  
20 ~~proper assessment of unassessed taxes may be made, and the~~  
21 ~~collector has the same authority to administer oaths and~~  
22 ~~propound questions as the assessor has, and any party failing~~  
23 ~~or refusing to answer such questions or to give in his~~  
24 ~~property shall be liable to the same penalties as provided in~~  
25 ~~cases where parties fail or refuse to return their property to~~  
26 ~~the assessor or answer the questions required to be propounded~~  
27 ~~by the assessor. In such assessments of escaped taxes, the~~

1 ~~taxpayer on giving notice to the tax collector shall have the~~  
2 ~~right of appeal as provided for escaped assessments made by~~  
3 ~~the tax assessor, and all provisions and conditions applying~~  
4 ~~thereto shall apply as to escaped assessments made by the tax~~  
5 ~~assessor~~ tax assessing official that certain property has  
6 escaped taxation.

7 "(b) The tax assessing official shall prepare an  
8 assessment up to five prior years at the time of discovery  
9 with an assessment to the person with ownership of the  
10 property. The assessment shall be made with other like  
11 property and shall charge a 10 percent penalty on the total  
12 assessed value, plus one five dollar (\$5) fee. The tax  
13 assessing official shall notify the tax collecting official in  
14 writing of the total amount of taxes, fees, and costs to be  
15 collected. The tax assessing official shall enter the same in  
16 the tax collecting official's abstract, provided the escape  
17 exists prior to final settlement for the tax collecting  
18 official. If the escape occurs after final settlement, the tax  
19 collecting official shall make a report to the state and  
20 disburse the proceeds to each agency, withholding the  
21 commission at the rate that was applicable prior to final  
22 settlement."

23 Section 12. Section 40-5-35, Code of Alabama 1975,  
24 is repealed.

25 Section 13. Section 40-5-36, Code of Alabama 1975,  
26 is amended to read as follows:

27 "§40-5-36.

1           "(a) The tax ~~collector~~ collecting official, on  
2           October 15 of each year and on the first and fifteenth day of  
3           each month thereafter,  ~~shall make under oath, to the county~~  
4           ~~treasurer and school treasurer or, if there is no county~~  
5           ~~treasurer or school treasurer in the county, to the custodian~~  
6           ~~of the funds of the county and schools, an itemized report in~~  
7           ~~writing, a copy of which shall be by the collector forwarded~~  
8           ~~to the Comptroller, and a copy filed with the probate judge,~~  
9           ~~setting forth separately the taxes, interest, and penalties~~  
10          ~~collected by him for the state, county, and schools since the~~  
11          ~~making of his last report; and within five days after making~~  
12          ~~such report, he must pay to the State Treasurer all state~~  
13          ~~taxes, interest, and penalties then due from him to the state,~~  
14          ~~and he must also pay to the county treasurer and to the school~~  
15          ~~treasurer or, if there is no county treasurer or school~~  
16          ~~treasurer in the county, to the custodian of the funds of the~~  
17          ~~county and of the schools, all county taxes, interest, and~~  
18          ~~penalties and all school taxes, interest, and penalties then~~  
19          ~~due from him to the county and to the schools, by him before~~  
20          ~~that time collected. Where any official other than a tax~~  
21          ~~collector is charged with the collection of ad valorem taxes~~  
22          ~~on automobiles, such official may make his said reports and~~  
23          ~~distribution of ad valorem taxes collected on automobiles,~~  
24          ~~trucks, trailers, motorcycles, and all other motor vehicles at~~  
25          ~~the same time he distributes money received by him for motor~~  
26          ~~vehicle licenses. The county treasurer and the school~~  
27          ~~treasurer, or, if there is no county treasurer or school~~

1 ~~treasurer in the county, then the custodian of the funds of~~  
2 ~~the county and of the schools, shall give to the collector a~~  
3 ~~receipt in duplicate of such semimonthly payment, one of which~~  
4 ~~duplicates shall be promptly forwarded to the Comptroller by~~  
5 ~~the tax collector. If no collection of taxes, interest, or~~  
6 ~~penalties have been collected by the collector prior to any~~  
7 ~~reporting date, he shall make the report herein required~~  
8 ~~stating under oath that no taxes, interest, or penalties were~~  
9 ~~collected during the period for which report is made~~ provide a  
10 detailed report showing the total gross receipts, including  
11 the calculation of taxes for each, interest collected,  
12 commissions withheld, and all other documented withholdings  
13 from each agency that receives taxes. The report shall have a  
14 detailed showing for each millage rate assessed for each  
15 agency. The report shall be a sworn statement that is  
16 duplicated for each agency, a copy of the report shall be  
17 available to each agency receiving disbursements upon request.

18           "(b) Should the report and payment of taxes,  
19 interest, and penalties herein required not be made within 10  
20 days after the same is due, the Comptroller shall immediately  
21 notify the Chief Examiner of Public Accounts, who shall  
22 forthwith cause the books of the official to be examined, and  
23 the Comptroller shall also immediately notify the tax  
24 collector's bondsmen, who may within 30 days from date of  
25 notice from the Comptroller withdraw from further  
26 responsibility as such bondsmen by giving 15 days' notice by  
27 certified or registered mail to the tax collector collecting



1 official, the ~~probate~~ judge of probate of the county, and the  
2 Comptroller, but ~~such~~ the bondsmen shall not be relieved of  
3 any responsibility with respect to the tax ~~collector~~  
4 collecting official arising during the time they are on ~~his~~  
5 the tax collecting official's bond. When the bondsmen on a tax  
6 collecting official's ~~collector's~~ bond serve notice of their  
7 desire to withdraw from the responsibility as such bondsmen as  
8 herein provided, it shall be the duty of the tax ~~collector~~  
9 collecting official to make, on or before the withdrawal date  
10 of his or her then bondsmen, a new bond in an amount and with  
11 ~~such~~ sufficient surety as ~~may be~~ required by law. Upon failure  
12 of the tax ~~collector~~ collecting official to make ~~such~~ the new  
13 bond, the Comptroller shall notify the Governor that a vacancy  
14 exists in the office of tax ~~collector~~ collecting official of  
15 the county, and the Governor shall appoint a tax ~~collector~~  
16 collecting official to serve the remainder of the term for  
17 which the former tax ~~collector~~ collecting official was elected  
18 or appointed to serve. The tax ~~collector~~ collecting official  
19 appointed to serve the remainder of the term ~~shall~~, before  
20 entering upon the duties of the office, shall make bond in the  
21 amount and with such surety as is required by this code."

22 Section 14. Sections 40-5-37 to 40-5-40, inclusive,  
23 of the Code of Alabama 1975, are repealed.

24 Section 15. Sections 40-5-41 and 40-5-42, Code of  
25 Alabama 1975, are amended to read as follows:

26 "§40-5-41.

1           "When the object for which ~~such~~ special taxes were  
2 levied and collected ~~shall have~~ has been accomplished or for  
3 any other reason the ~~same~~ special taxes are no longer required  
4 for the purpose for which they were levied, the parties  
5 charged with the administration or application ~~thereof~~ of the  
6 taxes shall notify the ~~treasurer or, if there is no county~~  
7 ~~treasurer, the custodian of the funds of the county, who shall~~  
8 ~~thereupon close the account of such taxes and transfer any~~  
9 ~~balance remaining to the account of the general fund of the~~  
10 county commission.

11           "§40-5-42.

12           "(a) In cases where there is no provision by law  
13 authorizing the collection of taxes by an action, ~~the taxes~~  
14 ~~due to the state or to any county, city, town, special school~~  
15 ~~district, or other special district may, after the same shall~~  
16 taxes have become delinquent, the taxes may be collected by  
17 the state or by any county, city, ~~or town~~ municipality, or the  
18 county or city board of education, or by an action in any  
19 court of competent jurisdiction.

20           "(b) In addition to the remedy here given to public  
21 agencies for the collection of taxes due them by an action,  
22 the tax ~~collector~~ collecting official of every county is  
23 authorized to sue in his or her own name and in the capacity  
24 of his or her office for the recovery of all taxes collectable  
25 by his or her office which are due ~~to any of the above~~  
26 ~~agencies or any other public agency for which the tax~~  
27 ~~collector is charged with the responsibility of collecting the~~

1 ~~tax. Such~~ The county tax ~~collectors are also authorized to~~  
2 collecting officials may act in their own names and in the  
3 capacity of their office in any bankruptcy or other insolvency  
4 proceeding, or any other type of litigation or court  
5 proceedings ~~wherein~~ in which taxes due to any public agency  
6 which are collectable by ~~such a tax collector~~ collecting  
7 official may be recovered, and to take ~~such~~ any action in ~~such~~  
8 the proceedings as may be appropriate or necessary for the  
9 collection of ~~such the~~ the taxes due to any of ~~said the public~~  
10 agencies."

11 Section 16. Section 40-5-43, Code of Alabama 1975,  
12 is repealed.

13 Section 17. Sections 40-5-44 and 40-5-45, Code of  
14 Alabama 1975, are amended to read as follows:

15 "§40-5-44.

16 "~~(a) On or before July 1 in each year, the tax~~  
17 ~~collector must make final settlement, under oath, with the~~  
18 ~~Comptroller, of all matters pertaining to the office of tax~~  
19 ~~collector and pay over to the State Treasurer the balance~~  
20 ~~which may be found due from him or her for taxes with which he~~  
21 ~~or she is chargeable under the laws of the state, and at that~~  
22 ~~time the tax collector must also account to the Comptroller~~  
23 ~~and pay over to the proper governmental authorities and any~~  
24 ~~holder of a tax lien certificate issued pursuant to Acts 1995,~~  
25 ~~No. 95-408 all money received by the tax collector for the~~  
26 ~~sale of lands and other property which may have been sold for~~  
27 ~~payment of taxes and also account to the Comptroller for all~~

1 ~~lands bought by the state. The tax collector must also report~~  
2 ~~under oath to the Comptroller and pay over to the State~~  
3 ~~Treasurer all escaped taxes assessed and collected. For~~  
4 ~~failure of any tax collector to make any of the settlements~~  
5 ~~herein required to be made by July 10 of each year, the tax~~  
6 ~~collector shall forfeit ten dollars (\$10) per day, which shall~~  
7 ~~be deducted from the amount of commissions due and payable to~~  
8 ~~the tax collector on such settlements respectively; and it~~  
9 ~~shall be the duty of the Comptroller, or the county treasurer,~~  
10 ~~or the custodian of the county funds, as the case may be, to~~  
11 ~~withhold all commissions in cases where settlements are not~~  
12 ~~made by July 10 of each year.~~

13 ~~"(b) (1) On or before November 1 in each year, all~~  
14 ~~tax collectors, elected assistant tax collectors, revenue~~  
15 ~~commissioners, license commissioners, and probate judges~~  
16 ~~charged with collecting ad valorem taxes on motor vehicle tags~~  
17 ~~shall make final settlement, under oath, with the Comptroller~~  
18 ~~of all matters pertaining to the respective office's~~  
19 ~~collection of ad valorem taxes on motor vehicle tags.~~

20 ~~"(2) Failure of any official to make the settlement~~  
21 ~~required by this subsection by November 10 of each year shall~~  
22 ~~forfeit ten dollars (\$10) per day which shall be deducted from~~  
23 ~~the amount of commission due and payable to the official on~~  
24 ~~the settlement respectively. It shall be the duty of the~~  
25 ~~Comptroller, the county treasurer, or the custodian of the~~  
26 ~~county funds to withhold all commissions in cases where~~  
27 ~~settlements are not made by December 10 of each year.~~

1           ~~"(3) Final determinations shall be made in~~  
2 ~~accordance with rules adopted by the state Comptroller~~  
3 ~~regarding the format of the final settlement, the time frame~~  
4 ~~to be covered by the final settlement, and the date when final~~  
5 ~~settlement will be made with the state Comptroller's Office~~  
6 ~~and approved by the Chief Examiner of Public Accounts.~~

7           "(a) On or before July 1 of each year, each tax  
8 collecting official, under oath, shall make final settlement  
9 with the Comptroller of all matters pertaining to the tax  
10 collecting official and shall pay to the State Treasurer the  
11 balance which may be found due from charges from the abstract  
12 of taxes pursuant to Section 40-7-35. Final settlement shall  
13 include all charges from the abstracts and credits allowed the  
14 tax collecting official pursuant to Section 40-5-23.

15           "(b) Unless otherwise excepted by the Comptroller, a  
16 tax collecting official who fails to make settlement as  
17 provided in this section by the tenth day of July of each year  
18 shall be assessed a fine of 10 dollars (\$10) per day until the  
19 final settlement is made in accordance with this section. The  
20 fine shall be assessed in the official's personal capacity.

21           "§40-5-45.

22           "The tax ~~collector~~ collecting official shall receive  
23 the rate per mile allowed by law for state officers and  
24 employees, once each year, in going ~~to~~ and returning from the  
25 respective county seat of government for the purpose of making  
26 the final settlement provided for in Section 40-5-44, ~~the~~

1 ~~distance to be the same as that established by law for the~~  
2 ~~members of the Legislature".~~

3 Section 18. Section 40-5-46, Code of Alabama 1975,  
4 is repealed.

5 Section 19. Section 40-5-48 is added to the Code of  
6 Alabama 1975, to read as follows:

7 §40-5-48.

8 (a) A tax collecting official who collects ad  
9 valorem tax on real property, in addition to the ad valorem  
10 tax on motor vehicles collected pursuant to Section 40-12-253,  
11 may disburse the collections with each semi-monthly report.

12 (b) A tax collecting official who has the  
13 responsibility to assess and collect the ad valorem tax on  
14 motor vehicles under Section 40-12-253 shall disburse all ad  
15 valorem tax collections as provided under Section 40-5-4  
16 during the same time period set out under Section 40-12-269.

17 (c) Manufactured home fees, commissions, or  
18 penalties charged and collected pursuant to Section 40-12-255  
19 shall be disbursed on or before the twentieth day of the  
20 following month.

21 Section 20. Although this bill would have as its  
22 purpose or effect the requirement of a new or increased  
23 expenditure of local funds, the bill is excluded from further  
24 requirements and application under Amendment 621, now  
25 appearing as Section 111.05 of the Official Recompilation of  
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

3 Section 21. This act shall become effective October  
4 1, 2021, following its passage and approval by the Governor,  
5 or its otherwise becoming law.