

1 HB143
2 173474-1
3 By Representatives Sessions, Pringle, Williams (JW) and Buskey
4 (N & P)
5 RFD: Mobile County Legislation
6 First Read: 07-FEB-17

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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), as amended by Act 2010-268 (Acts 2010, p. 488)
16 authorizing government officials to accept credit card
17 payments for amounts due; to clarify that the costs of the
18 office related to the acceptance of credit cards shall include
19 information technology, equipment, employees, and processing
20 or transactional fees imposed on the transaction by the credit
21 card company or banking institution; and to provide for
22 retroactive effect.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 1 of Act 99-651, 1999 Second
25 Special Session (Acts 1999 Second Special Session, p. 105), as
26 amended by Act 2010-268 (Acts 2010, p. 488), is amended to
27 read as follows:

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

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

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

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

1 or other appropriate parties as needed to facilitate the
2 acceptance of credit card payments. The agreements may not
3 provide for the acceptance of credit card payments at a
4 discount from the face amount of the payments or for the
5 payment of an administrative fee. Any agreement shall provide
6 that it may be canceled at any time by the elected official,
7 but the agreement may provide for a reasonable period of
8 notice prior to cancellation.

9 "(e) When payment is made by a credit card, the
10 elected official choosing to accept credit cards shall require
11 the payment of a fee by the user of the credit card to cover
12 the costs of the office ~~for the~~ related to the acceptance of
13 credit cards including, but not limited to, information
14 technology, equipment, employees, and processing or
15 transactional fees imposed on the transaction by the credit
16 card company or banking institution.

17 "(f) It is the intent of this amendatory act to
18 clarify existing law and not to impose additional fees upon
19 users of credit cards. All fees previously collected by
20 elected officials choosing to accept credit cards are ratified
21 and confirmed.

22 "~~(f)~~ (g) No person making any payment by credit card
23 shall be relieved from liability for the underlying obligation
24 except to the extent that the government realizes final
25 payment of the underlying obligation in cash or the
26 equivalent. If final payment is not made by the credit card
27 processor or other guarantor of payment in the credit card

1 transaction, the underlying obligation shall survive and the
2 elected official shall retain all remedies for enforcement
3 which would have applied if the credit card transaction had
4 not occurred. No contract may modify this provision.

5 "~~(g)~~ (h) An elected official who accepts a credit
6 card payment in accordance with this act and any applicable
7 policies, rules, or regulations of county government shall not
8 incur any personal liability for the final collection of the
9 payments."

10 Section 2. This act shall become effectively
11 immediately upon its passage and approval by the Governor, or
12 its otherwise becoming law.