

HB128 INTRODUCED



1 7BSG2E-1
2 By Representative Wood (R) (N & P)
3 RFD: Local Legislation
4 First Read: 21-Mar-23
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A BILL
TO BE ENTITLED
AN ACT

Relating to Calhoun County; to authorize the license commissioner to void a motor vehicle license plate, decal, sales and use tax, issuance fees, interest, penalties, and costs when a check or credit card tendered by an individual, company, or other entity for payment of any motor vehicle license is found non-collectible at the time of deposit; and to provide for the reimbursement from the General Fund of Calhoun County to the License Commissioner for losses by the office of the license commissioner for errors and omissions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall only apply in Calhoun County.

Section 2. When a check or credit card tendered by an individual, company, or other entity for payment of any motor vehicle license, vessel registration, privilege license, door to door sales license, rental lease, driver license, or manufactured home registration is found to be non-collectible at the time of deposit, the license commissioner or license inspector shall make a reasonable attempt to retrieve the motor vehicle license plate or decal and to retrieve all other



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licenses and decals for the enforcement of this section. In the event the motor vehicle license plate, decal, or other licenses cannot be retrieved, the license commissioner may void sales and use taxes, issuance fees, interest, penalties, and costs. After the motor vehicle or other licenses have been voided, the license commissioner shall receive credit for costs associated with the non-collectible check, credit card, or instrument issued. The appropriate state office shall mark the records pertaining to the voided license accordingly, and upon inquiry by any law enforcement agency, shall notify the agency that the party in question is operating under a voided license. All violations shall be prosecuted in accordance to law.

Section 3. The Calhoun County Commission shall reimburse the office of the License Commissioner of Calhoun County from the General Fund of Calhoun County up to three thousand five hundred dollars (\$3,500) per year for the amount of any losses arising or caused by any errors, mistakes, or omissions of the license commissioner or his or her agents if caused without personal knowledge, including losses arising from acceptance of worthless or forged checks, drafts, money orders, credit cards, or other written or online orders for money or its equivalent.

Section 4. The license commissioner shall ensure that his or her employees exercise due care in performing their duties and make a diligent effort to correct any error, mistake, or omission and collect the amount subject to potential loss immediately upon becoming aware of the



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57 potential loss. This section shall not apply to any deliberate
58 misuse or misappropriation of funds by the license
59 commissioner or any clerk or employees of the office.

60 Section 5. The provisions of this act are supplemental
61 and it shall be construed in pari materia with other laws
62 regarding the office of the license commissioner.

63 Section 6. All laws or parts of laws which are in
64 direct conflict or inconsistent herewith are hereby repealed.

65 Section 7. This act shall become effective immediately
66 following its passage and approval by the Governor, or its
67 otherwise becoming law.