

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



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

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

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

1 payment of an administrative fee. Any agreement shall provide  
2 that it may be canceled at any time by the elected official,  
3 but the agreement may provide for a reasonable period of  
4 notice prior to cancellation.

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

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

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

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

6                   Section 2. This act shall become effectively  
7 immediately upon its passage and approval by the Governor, or  
8 its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Mobile County  
Legislation..... . . . . . 07-FEB-17

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . . 09-MAR-17

Read for the third time and passed  
as amended..... . . . . . 14-MAR-17

Yeas 35, Nays 0, Abstains 60

Jeff Woodard  
Clerk