

**HB128 ENROLLED**



1 7BSG2E-2  
2 By Representative Wood (R) (N & P)  
3 RFD: Local Legislation  
4 First Read: 21-Mar-23  
5  
6 2023 Regular Session



1      Enrolled, 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 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



29 costs associated with the non-collectible check, credit card,  
30 or instrument issued. The appropriate state office shall mark  
31 the records pertaining to the voided license accordingly, and  
32 upon inquiry by any law enforcement agency, shall notify the  
33 agency that the party in question is operating under a voided  
34 license. All violations shall be prosecuted in accordance to  
35 law.

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

46 Section 4. The license commissioner shall ensure that  
47 his or her employees exercise due care in performing their  
48 duties and make a diligent effort to correct any error,  
49 mistake, or omission and collect the amount subject to  
50 potential loss immediately upon becoming aware of the  
51 potential loss. This section shall not apply to any deliberate  
52 misuse or misappropriation of funds by the license  
53 commissioner or any clerk or employees of the office.

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

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58        direct conflict or inconsistent herewith are hereby repealed.

59           Section 7. This act shall become effective immediately  
60        following its passage and approval by the Governor, or its  
61        otherwise becoming law.



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65 Speaker of the House of Representatives

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70 President and Presiding Officer of the Senate

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73 House of Representatives

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75 I hereby certify that the within Act originated in and  
76 was passed by the House 18-Apr-23.

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78 John Treadwell  
79 Clerk

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Senate

**04-May-23**

Passed