

1 SB113  
2 157055-4  
3 By Senator Orr  
4 RFD: Judiciary  
5 First Read: 14-JAN-14  
6 PFD: 01/13/2014

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to court payments; to amend Section  
12 12-19-290, Code of Alabama 1975, to require circuit and  
13 district courts to accept credit card, charge card, and debit  
14 card payments; to expand the types of payments for which  
15 credit cards, charge cards, and debit cards are authorized; to  
16 authorize certain surcharges or convenience fees; and to  
17 ratify and confirm any surcharges or convenience fees charged  
18 and collected prior to the effective date of this act.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 12-19-290, Code of Alabama 1975,  
21 shall be amended to read as follows:

22 "§12-19-290.

23 "(a) The Advanced Technology and Data Exchange Fund  
24 is created in the State Treasury.

25 "(b) The fund shall consist of all monies paid into  
26 the State Treasury to the credit of the fund pursuant to

1 Section 12-19-181 or by legislative appropriations, grant,  
2 gift, or otherwise.

3 "(c) Monies contained in the Advanced Technology and  
4 Data Exchange Fund may be expended to provide for any  
5 activities involving the administration of justice including,  
6 but not limited to, the following purposes:

7 "(1) Expand methods and means for collection and  
8 disbursement of court-ordered monies through the use of credit  
9 cards, electronic fund transfers, or other means and provide  
10 for electronic transfer of records and storage.

11 "(2) Enhance coordination and sharing of data with  
12 local, state, and federal agencies, members of the bar, and  
13 the public.

14 "(3) Provide equipment for electronically filing  
15 cases.

16 "(4) Improve accountability for case filings and  
17 dispositions.

18 "(5) Train and educate employees and officials on  
19 the state and municipal levels of the Unified Judicial System  
20 regarding legal and administrative policies and procedures and  
21 effective usage of the courts' management systems.

22 "(6) Provide education materials including, but not  
23 limited to, manuals, forms, handbooks, books, brochures, and  
24 technology for legal research and case management for court  
25 officials and employees and component groups of the legal  
26 community.

1           "(7) Provide staff, services, and equipment required  
2 to maintain and expand technological improvements and conduct  
3 continuing education and training in these areas.

4           "(8) Pay service charges, electronic transfer fees,  
5 or any other transaction costs associated with subdivisions  
6 (1) to (7), inclusive.

7           "All such costs shall be paid out of funds  
8 appropriated to the Advanced Technology and Data Exchange Fund  
9 and shall not reduce amounts due to be distributed to other  
10 governmental funds or entities.

11           "(d) ~~(1) The~~ Subject to the adoption of uniform rules  
12 by the Administrative Office of Courts, the clerks of the  
13 circuit and district courts ~~may~~ shall accept credit cards,  
14 charge cards, or debit cards ~~approved by the Administrative~~  
15 ~~Director of Courts~~ issued from any bank, foreign lender,  
16 domestic lender, or credit card bank as defined in Section  
17 5-20-3 for the payment of court costs, fees, fines,  
18 forfeitures, judgments, restitution, attorney fees, any monies  
19 collected and payable to individuals, businesses or  
20 partnerships, or any person or entity other than a  
21 governmental agency or department or assessments of any kind.  
22 ~~The following are specifically excluded from payment by credit~~  
23 ~~cards or debit cards: Judgments, restitution, attorney fees,~~  
24 ~~any monies collected and payable to individuals, businesses,~~  
25 ~~partnerships, or any person or entity other than a~~  
26 ~~governmental agency or department.~~ Any other provision of law  
27 to the contrary notwithstanding, the clerk of the court or

1 agent thereof accepting payment as provided for in this  
2 subsection shall impose and collect a surcharge or convenience  
3 fee in respect of payments made by credit card, charge card,  
4 or debit card for any of the above in an amount not exceeding  
5 the sum of the following: a. the transaction fee or discount  
6 charged by the credit card, charge card, or debit card issuer  
7 or processor with respect to such payments; and b. any cost or  
8 fee charged with respect to the payments pursuant to agreement  
9 between the Administrative Office of Courts and a contracting  
10 entity which provides software, support, and management  
11 services in connection with the acceptance of payment by  
12 credit card, charge card, or debit card by the clerks of the  
13 circuit and district courts as provided herein.

14 "(2) The imposition and validity of any surcharges  
15 or convenience fees heretofore charged and collected by clerks  
16 of the circuit or district courts or their agents prior to the  
17 effective date of the act adding this subdivision are hereby  
18 ratified and confirmed.

19 "(e) The Administrative Director of Courts or any  
20 municipality may contract with any company that issues credit  
21 cards to collect and seize credit cards issued by any company  
22 that are outdated or otherwise unauthorized. The state or  
23 municipality may charge the company a fee for the return of  
24 the credit cards. Any fees collected pursuant to this  
25 subsection by state courts shall be deposited into the  
26 Advanced Technology and Data Exchange Fund and the fees

1 collected by a municipal court shall be deposited into the  
2 general fund of the municipality.

3 "(f) Procedures for implementing the provisions of  
4 Act 99-427 may be promulgated as Rules of Judicial  
5 Administration adopted by the Supreme Court of Alabama.

6 "(g) At the end of any fiscal year, any unexpended  
7 or unencumbered monies contributed to or deposited in the fund  
8 from any source, except appropriations from other state funds,  
9 shall remain in the fund.

10 "(h) The clerk of any court shall not be liable to  
11 any person for any action taken pursuant to this section if he  
12 or she acts in accordance with the rules adopted by the  
13 Administrative Office of Courts."

14 Section 2. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Judiciary..... 14-JAN-14

Read for the second time and placed on the calen-  
dar..... 15-JAN-14

Read for the third time and passed as amended .... 28-JAN-14

Yeas 22  
Nays 0

Patrick Harris  
Secretary