

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

1 SB113

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4 ENROLLED, An Act,

5 Relating to court payments; to amend Section
6 12-19-290, Code of Alabama 1975, to allow circuit and district
7 courts to accept credit card, charge card, and debit card
8 payments; to expand the types of payments for which credit
9 cards, charge cards, and debit cards are authorized; to
10 authorize certain surcharges or convenience fees; and to
11 ratify and confirm any surcharges or convenience fees charged
12 and collected prior to the effective date of this act.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 "§12-19-290.

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

19 "(b) The fund shall consist of all monies paid into
20 the State Treasury to the credit of the fund pursuant to
21 Section 12-19-181 or by legislative appropriations, grant,
22 gift, or otherwise.

23 "(c) Monies contained in the Advanced Technology and
24 Data Exchange Fund may be expended to provide for any

1 activities involving the administration of justice including,
2 but not limited to, the following purposes:

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

7 "(2) Enhance coordination and sharing of data with
8 local, state, and federal agencies, members of the bar, and
9 the public.

10 "(3) Provide equipment for electronically filing
11 cases.

12 "(4) Improve accountability for case filings and
13 dispositions.

14 "(5) Train and educate employees and officials on
15 the state and municipal levels of the Unified Judicial System
16 regarding legal and administrative policies and procedures and
17 effective usage of the courts' management systems.

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

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

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

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

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

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

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

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

Speaker of the House of Representatives

SB113

Senate 28-JAN-14

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Amended and passed 06-MAR-14

Senate concurred in House amendment 06-MAR-14

By: Senator Orr