

1 SB229  
2 165338-3  
3 By Senators Livingston, Scofield, Sanford, Dial, Shelnut,tt,  
4 Holley, Blackwell, Ward, Waggoner, Stutts and Melson  
5 RFD: Fiscal Responsibility and Economic Development  
6 First Read: 12-MAR-15

1 SB229

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4 ENROLLED, An Act,

5 Relating to business filing requirements; to provide  
6 an electronic process for the recordation of business entity  
7 filings with the judge of probate and the Secretary of State;  
8 to require the Secretary of State to develop an electronic  
9 processing program and allow any county that voluntarily  
10 chooses to participate in the program to do so by written  
11 agreement; and to authorize county commissions and judges to  
12 satisfy general and local law requirements by participating in  
13 the electronic processing program.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) The Secretary of State shall develop  
16 a program to facilitate the administration of an electronic  
17 process for the recordation of filing activities by business  
18 and nonprofit entities required under Title 10A, Code of  
19 Alabama 1975. A county may participate in the program in  
20 accordance with this section. Under the program, the Secretary  
21 of State may contract with a vendor to provide electronic  
22 processing services which may include, but are not limited to,  
23 the online filing of forms, online recording, payment of fees  
24 through credit or debit cards, and any other service related  
25 to the administration of the electronic process, as determined

1 by the Secretary of State. The Secretary of State may also  
2 develop a certification process to allow third parties to  
3 provide these electronic processing services. All recording  
4 fees, whether established by general law, general law of local  
5 application, or local law, shall be collected by the vendor  
6 and the fees, applicable to the county, including all data  
7 associated with the local recording fees, shall be remitted by  
8 the vendor to each participating county no less than twice per  
9 month.

10 (b) A county may participate in the program by  
11 written agreement between the county commission, judge of  
12 probate, and the Secretary of State. Any agreement shall be a  
13 voluntary decision made exclusively by the county. The  
14 Secretary of State or the applicable county may terminate an  
15 agreement at any time upon 120 days' written notice. Upon  
16 written notice of termination, the Secretary of State shall  
17 instruct the electronic process vendor that it shall finalize  
18 and transmit all final recording fees collected, and all data  
19 related thereto, to the applicable county not more than 30  
20 days after the date on which use of the electronic system  
21 ceases.

22 (c) The cooperation between the Secretary of State  
23 and a county shall be at no additional cost to the county or  
24 the state.

1           (d) The cooperation between the Secretary of State  
2 and a county as provided for in this section shall satisfy any  
3 and all fee and filing requirements whether prescribed by  
4 general law, general law of local application, or local law  
5 applicable to the participating county, and, furthermore,  
6 fulfill any and all statutory requirements of a county  
7 commission, judge of probate, and the Secretary of State as it  
8 relates to filing activities of business entities.

9           (e) A judge of probate may continue to provide  
10 filing services pursuant to current procedures and is in no  
11 way bound or obligated to participate in the electronic  
12 process for the recordation of filing activities as provided  
13 for by this section.

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

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Speaker of the House of Representatives

SB229

Senate 30-APR-15

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

Patrick Harris  
Secretary

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House of Representatives  
Passed: 04-JUN-15

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By: Senator Livingston