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3 ORR SUBSTITUTE FOR SB113  
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8 SYNOPSIS: Currently, circuit and district courts are  
9 allowed to accept credit card or debit card  
10 payments for certain court costs and fees. This  
11 bill requires circuit and district courts to accept  
12 credit card, charge card, or debit card payments  
13 for those fines and fees and expands the payments  
14 for which credit cards, charge cards, and debit  
15 cards are authorized.  
16

17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
20

21 Relating to court payments; to amend Section  
22 12-19-290, Code of Alabama 1975, to require circuit and  
23 district courts to accept credit card, charge card, and debit  
24 card payments; to expand the types of payments for which  
25 credit cards, charge cards, and debit cards are authorized; to  
26 authorize certain surcharges or convenience fees; and to

1 ratify and confirm any surcharges or convenience fees charged  
2 and collected prior to the effective date of this act.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§12-19-290.

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

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

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

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

21 "(2) Enhance coordination and sharing of data with  
22 local, state, and federal agencies, members of the bar, and  
23 the public.

24 "(3) Provide equipment for electronically filing  
25 cases.

26 "(4) Improve accountability for case filings and  
27 dispositions.

1           "(5) Train and educate employees and officials on  
2 the state and municipal levels of the Unified Judicial System  
3 regarding legal and administrative policies and procedures and  
4 effective usage of the courts' management systems.

5           "(6) Provide education materials including, but not  
6 limited to, manuals, forms, handbooks, books, brochures, and  
7 technology for legal research and case management for court  
8 officials and employees and component groups of the legal  
9 community.

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

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

16           "All such costs shall be paid out of funds  
17 appropriated to the Advanced Technology and Data Exchange Fund  
18 and shall not reduce amounts due to be distributed to other  
19 governmental funds or entities.

20           "(d) (1) The Subject to the adoption of uniform rules  
21 by the Administrative Office of Courts, the clerks of the  
22 circuit and district courts may shall accept credit cards,  
23 charge cards, or debit cards ~~approved by the Administrative~~  
24 ~~Director of Courts~~ issued from any bank, foreign lender,  
25 domestic lender, or credit card bank as defined in Section  
26 5-20-3 for the payment of court costs, fees, fines,  
27 forfeitures, judgments, restitution, attorney fees, any monies

1 collected and payable to individuals, businesses or  
2 partnerships, or any person or entity other than a  
3 governmental agency or department or assessments of any kind.  
4 ~~The following are specifically excluded from payment by credit~~  
5 ~~cards or debit cards: Judgments, restitution, attorney fees,~~  
6 ~~any monies collected and payable to individuals, businesses,~~  
7 ~~partnerships, or any person or entity other than a~~  
8 ~~governmental agency or department. Any other provision of law~~  
9 ~~to the contrary notwithstanding, the clerk of the court or~~  
10 ~~agent thereof accepting payment as provided for in this~~  
11 ~~subsection shall impose and collect a surcharge or convenience~~  
12 ~~fee in respect of payments made by credit card, charge card,~~  
13 ~~or debit card for any of the above in an amount not exceeding~~  
14 ~~the sum of the following: a. the transaction fee or discount~~  
15 ~~charged by the credit card, charge card, or debit card issuer~~  
16 ~~or processor with respect to such payments; and b. any cost or~~  
17 ~~fee charged with respect to the payments pursuant to agreement~~  
18 ~~between the Administrative Office of Courts and a contracting~~  
19 ~~entity which provides software, support, and management~~  
20 ~~services in connection with the acceptance of payment by~~  
21 ~~credit card, charge card, or debit card by the clerks of the~~  
22 ~~circuit and district courts as provided herein.~~

23 "(2) The imposition and validity of any surcharges  
24 or convenience fees heretofore charged and collected by clerks  
25 of the circuit or district courts or their agents prior to the  
26 effective date of the act adding this subdivision are hereby  
27 ratified and confirmed.

1           "(e) The Administrative Director of Courts or any  
2 municipality may contract with any company that issues credit  
3 cards to collect and seize credit cards issued by any company  
4 that are outdated or otherwise unauthorized. The state or  
5 municipality may charge the company a fee for the return of  
6 the credit cards. Any fees collected pursuant to this  
7 subsection by state courts shall be deposited into the  
8 Advanced Technology and Data Exchange Fund and the fees  
9 collected by a municipal court shall be deposited into the  
10 general fund of the municipality.

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

14           "(g) At the end of any fiscal year, any unexpended  
15 or unencumbered monies contributed to or deposited in the fund  
16 from any source, except appropriations from other state funds,  
17 shall remain in the fund.

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

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