~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 19, 2010

**H. 4505**

Introduced by Rep. Nanney

S. Printed 5/19/10--S.

Read the first time April 29, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4505) to amend Section 14‑1‑214, Code of Laws of South Carolina, 1976, relating to payment of fines, fees, and court costs by credit or debit, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LARRY A. MARTIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

There is no fiscal impact on the General Fund of the State or on federal and/or other funds.

**LOCAL GOVERNMENT IMPACT:**

There is no fiscal impact to local governments with the adoption of this bill.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 14‑1‑214, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF FINES, FEES, AND COURT COSTS BY CREDIT OR DEBIT CARD, SO AS TO INCLUDE REGISTERS OF DEEDS IN THE LIST OF PERSONS ASSOCIATED WITH THE COURTS WHO MAY ACCEPT PAYMENT BY CREDIT OR DEBIT CARD.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 14‑1‑214 of the 1976 Code, as added by Act 295 of 2002, is amended to read:

“Section 14‑1‑214. (A) Clerks of court, registers of deeds, magistrates, and municipal court judges may:

(1) accept payment by credit card or debit card of a fine, fee, assessment, court cost, or other surcharge; and

(2) impose a fee for processing payment by credit card. Notwithstanding fees imposed by other provisions of law, the clerk of court, register of deeds, magistrate, and municipal court judge must impose a separate fee on the person making a payment by credit card that wholly offsets the amount of administrative fees charged to the court.

(B) If a payment by credit card is not honored by the credit card company on which the funds are drawn, the:

(1) ~~the~~ court or register of deeds, may collect a service charge from the person who owes the fine, fee, assessment, court cost, or other surcharge. The service charge is an addition to the original fine, fee, assessment, court cost, or other surcharge and is for the collection of that original amount. The amount of the service charge must be the same amount as the fee charged for the collection of a check drawn on an account with insufficient funds; and

(2) ~~the~~ underlying obligation survives and the state or local government retains all remedies for enforcement which would have applied if the credit card transaction had not occurred.

(C) The court or register of deeds, collecting a fee or service charge pursuant to this section must deposit the credit card fee or service charge in the general fund of the court’s respective governmental unit.

(D) The clerk of court, register of deeds, magistrate, or municipal court judge who accepts payment by credit card or debit card pursuant to this section may refuse acceptance of credit or debit cards of an individual if, the:

(1) ~~the~~ individual has been convicted of a violation of Chapter 14 ~~of~~ , Title 16;

(2) ~~the~~ individual has previously tendered to the court a credit or debit card or credit or debit card information which did not ultimately result in payment by the credit or debit card issuer;

(3) ~~the~~ bank or credit card issuer does not authorize payment; or

(4) ~~the~~ validity of the credit or debit card is not verifiable.”

SECTION 2. This act takes effect upon approval by the Governor.

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