

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 167**

4 (By Senators Laird, Snyder, Browning, Nohe, Plymale, Miller and
5 Wills)

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7 [Originating in the Committee on Government Organization;
8 reported January 27, 2012.]
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13 A BILL to amend the Code of West Virginia, 1931, as amended, by
14 adding thereto a new section, designated §7-5-2a; and to amend
15 and reenact §8-13-15 of said code, all relating to the
16 acceptance of credit cards as a form of payment; and
17 authorizing a fee to be assessed for the use of a credit card
18 as a form of payment.

19 *Be it enacted by the Legislature of West Virginia:*

20 That the Code of West Virginia, 1931, as amended, be amended
21 by adding thereto a new section, designated §7-5-2a; and that
22 §8-13-15 of said code be amended and reenacted, all to read as
23 follows:

24 **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

25 **ARTICLE 5. FISCAL AFFAIRS.**

26 **§7-5-2a. Credit cards as form of payment.**

27 Notwithstanding any code provision to the contrary, county
28 officers required or authorized to collect fines, fees, taxes or

1 other moneys provided by law may accept credit or check cards as a
2 form of payment. County officers may set a fee to be added to each
3 transaction equal to the charge paid by the county officers for the
4 use of the credit or check card by the payor: *Provided*, That the
5 county officer is required to obtain three bids and use the lowest,
6 qualified bid received. The county officer shall disclose the
7 amount of the fee to the payor prior to the transaction and no
8 other fees for the use of a credit or check card may be imposed
9 upon the payor. Acceptance of a credit or check card as a form of
10 payment shall be in accordance with the rules and requirements set
11 forth by the credit or check card provider.

12 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

13 **ARTICLE 13. TAXATION AND FINANCE.**

14 **§8-13-15. Collection of municipal taxes, fines and assessments.**

15 Unless otherwise provided, it shall be the duty of the
16 treasurer of the municipality or other individual who may be
17 designated by general law, by charter provisions or by the
18 governing body, to collect and promptly pay into the municipal
19 treasury all taxes, fines, special assessments or other moneys due
20 the municipality. All such taxes, fines, special assessments
21 (except assessments for permanent or semipermanent public
22 improvements) and other moneys due the municipality are hereby
23 declared to be debts owing to the municipality, for which the
24 debtor shall be personally liable, and the treasurer, or other
25 individual so designated, may enforce this liability by appropriate
26 civil action in any court of competent jurisdiction, and is hereby
27 vested with the same rights to distrain for the same as is vested
28 in the sheriff for the collection of taxes. Such treasurer or

1 other individual shall give a bond, conditioned according to law,
2 in such penalty and with such security as the governing body may
3 require: *Provided*, That nothing in this article shall prohibit the
4 payment of taxes, fines, special assessments or other moneys due
5 the municipality by credit or check card. The municipality may set
6 a fee to be added to each transaction equal to the charge paid by
7 the municipality for the use of the credit or check card by the
8 debtor: *Provided*, That the municipality is required to obtain three
9 bids and use the lowest, qualified bid received. The municipality
10 shall disclose the amount of the fee to the debtor prior to the
11 transaction and no other fees for the use of a credit or check card
12 may be imposed upon the debtor. Acceptance of a credit or check
13 card as a form of payment shall be in accordance with the rules and
14 requirements set forth by the credit or check card provider.
15 Allowing for the collection of these funds by credit or check card
16 shall be at the discretion of the municipality.