

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 167

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

[Originating in the Committee on Government Organization;
reported January 27, 2012.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-5-2a; and to amend and reenact §8-13-15 of said code, all relating to the acceptance of credit cards as a form of payment; and authorizing a fee to be assessed for the use of a credit card as a form of payment.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 5. FISCAL AFFAIRS.

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

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

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 13. TAXATION AND FINANCE.

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

1 Unless otherwise provided, it shall be the duty of the
2 treasurer of the municipality or other individual who may be

3 designated by general law, by charter provisions or by the
4 governing body, to collect and promptly pay into the municipi-
5 pal treasury all taxes, fines, special assessments or other
6 moneys due the municipality. All such taxes, fines, special
7 assessments (except assessments for permanent or
8 semipermanent public improvements) and other moneys due
9 the municipality are hereby declared to be debts owing to the
10 municipality, for which the debtor shall be personally liable,
11 and the treasurer, or other individual so designated, may
12 enforce this liability by appropriate civil action in any court
13 of competent jurisdiction, and is hereby vested with the same
14 rights to distrain for the same as is vested in the sheriff for
15 the collection of taxes. Such treasurer or other individual
16 shall give a bond, conditioned according to law, in such
17 penalty and with such security as the governing body may
18 require: *Provided*, That nothing in this article shall prohibit
19 the payment of taxes, fines, special assessments or other
20 moneys due the municipality by credit or check card. The
21 municipality may set a fee to be added to each transaction
22 equal to the charge paid by the municipality for the use of
23 the credit or check card by the debtor: *Provided*, That the
24 municipality is required to obtain three bids and use the

25 lowest, qualified bid received. The municipality shall
26 disclose the amount of the fee to the debtor prior to the
27 transaction and no other fees for the use of a credit or check
28 card may be imposed upon the debtor. Acceptance of a credit
29 or check card as a form of payment shall be in accordance
30 with the rules and requirements set forth by the credit or
31 check card provider. Allowing for the collection of these
32 funds by credit or check card shall be at the discretion of the
33 municipality.