

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: SB251-S1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Obenshain

3. Committee: Finance

4. Title: Certain circuit court fees; judgments.

5. Summary: Provides that judgments for certain circuit court assessments and fees shall be entered in favor of the Commonwealth if not paid by the sentencing hearing. The bill also institutes a fee of \$25 for recording an order to celebrate the rites of marriage by a non-minister and a convenience fee for paying court fees by credit or debit card.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary; See item 8 below.

8. Fiscal Implications: According to the Supreme Court of Virginia, the proposed legislation is not expected to have a fiscal impact on Commonwealth funds since all fees would be deposited to the circuit court clerk's local non-reverting fund.

The Code of Virginia currently allows circuit court clerks to charge a reasonable convenience fee for use of credit cards (up to 4 percent). The proposed legislation would allow for the charging of a convenience fee on not only credit cards but also debit cards. In addition, the proposal limits the amount that can be charged. The fee "shall not exceed four percent of the amount paid for the transaction, or a flat fee not to exceed \$2 per transaction." Since the convenience fee is structured as a range ("not to exceed") and since the circuit court clerks would have the discretion to decide which method of calculation (and thus the size of the fee to be paid), it is not possible to determine the revenue impact of this provision.

This legislation would also add a fee of \$25 for recording an order to celebrate the rites of marriage pursuant to §20-25. This fee would be deposited to the clerk's local non-reverting fund and as such would have no direct impact to Commonwealth funds.

9. Specific Agency or Political Subdivisions Affected: Circuit court clerks statewide.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: February 1, 2012

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