

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: SB251-S2

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

2. Patron: Obenshain

3. Committee: Courts of Justice

4. Title: Certain circuit court fees; judgments.

5. Summary: Institutes a fee of \$25 for recording an order to celebrate the rites of marriage and a convenience fee for paying court fees by credit or debit card. Also provides that convenience fees and land record fees will be deposited into a special revenue fund in the local treasury and is subject to appropriation by the local governing body. The local governing body cannot use these funds for any other purpose.

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. The legislation adds a fee of \$25 for recording an order to celebrate the rites of marriage, which is required to be deposited to a circuit court clerk's local special revenue 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 local revenue impact of this provision.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: February 24, 2012

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