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HOUSE BILL NO. 1024

Offered January 13, 2016

Prefiled January 13, 2016

A BILL to amend and reenact § 19.2-349.1 of the Code of Virginia, relating to collection of court costs by the Department of Motor Vehicles.

Patron—Hodges

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-349.1 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-349.1. Receipt of unpaid fines, costs, forfeitures, penalties, or restitution by Department of Motor Vehicles.**

At the direction of the Committee on District Courts or at the request of a circuit court clerk, the ~~The~~ Executive Secretary of the Supreme Court ~~may~~ shall enter into an agreement with the Commissioner of the Department of Motor Vehicles authorizing the Department of Motor Vehicles to receive, on behalf of a district or circuit court, payment of any delinquent fines, costs, forfeitures, and penalties, including any court-ordered restitution of a sum certain, imposed by a court for the violation of a state law or a local ordinance. ~~However, in no case shall the~~ The Department of Motor Vehicles be authorized to ~~shall~~ establish an installment plan for any such payments ~~or to receive partial payment~~ of the full amount imposed by the court for the violation of a state law or a local ordinance *subject to the same conditions and requirements set forth in § 19.2-354.*

For each such payment it receives, the Department of Motor Vehicles may impose and collect a processing fee, to be used to defray the costs of the transaction to the Department. Such transaction fee shall be \$2, unless payment is made by credit card or debit card and the merchant's fees and other transaction costs imposed by the card issuer are charged to the Department of Motor Vehicles, in which case the processing fee shall be the greater of (i) \$2 or (ii) an amount not to exceed four percent of the amount of the payment. The Department may also collect any processing fee charged by a private vendor operating under contract to distribute to the court payments received by the Department. All processing fees imposed and collected by the Department of Motor Vehicles under this section shall be in addition to the other fees specified in this chapter. All such processing fees collected by the Department of Motor Vehicles shall be paid into the state treasury as provided in § 46.2-206 and used to meet the expenses of the Department of Motor Vehicles. The service charge provided under § 46.2-212.1 shall not be added to the processing fee authorized under this section. Other fees specified in this chapter, including those payable pursuant to collections contracts made by attorneys for the Commonwealth, shall not be diminished or offset due to receipt of payments by the Department of Motor Vehicles.

INTRODUCED

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