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SENATE BILL NO. 11

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on March 6, 1998)

(Patrons Prior to Substitute—Senators Miller, K.G. and Norment [SB 256])

A BILL to amend and reenact § 19.2-353.3 of the Code of Virginia, as it is currently effective and as it may become effective, relating to acceptance of checks and credit cards by clerks of court.

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-353.3 of the Code of Virginia, as it is currently effective and as it may become effective, is amended and reenacted as follows:

§ 19.2-353.3. Acceptance of checks and credit cards in lieu of money; additional fee.

Notwithstanding the provisions of § 19.2-353, personal checks and credit cards shall be accepted in lieu of money to collect and secure all fees, fines, restitution, forfeiture, penalties and costs collected for offenses tried in a circuit or district court, including motor vehicle violations, committed against the Commonwealth or against any county, city or town. *Notwithstanding the provisions of § 19.2-353, personal checks shall be accepted in lieu of money to collect and secure all fees, fines, restitution, forfeiture, penalties and costs collected for offenses tried in a circuit court, including motor vehicle violations, committed against the Commonwealth or against any county, city or town. However, the clerks of the circuit courts in the City of Staunton and in the Counties of Alleghany, Amherst, Appomattox, Augusta, Bath, Bland, Botetourt, Buckingham, Charles City, Charlotte, Cumberland, Floyd, Franklin, Greenville, Halifax, Highland, Lunenburg, Nelson, Nottoway, Patrick, Rockbridge, Surry, Sussex and Tazewell* The clerk of any circuit court shall not be required to but may, in ~~their~~ *his* discretion, accept credit card payment in lieu of money to collect and secure all fees, fines, restitution, forfeitures, penalties, and costs collected for such offenses. The Committee on District Courts shall devise a procedure for approving and accepting checks and credit cards that shall be accepted by the district courts. Court personnel shall not be held to be guarantors of the payment made in such manner and shall not be personally liable for any sums uncollected. The clerk of the court, in addition to any fees, fines, restitution, forfeiture, penalties or costs, may add to such payment a sum not to exceed four percent of the amount paid as a service charge for the acceptance of a credit card.

If a check is returned unpaid by the financial institution on which it is drawn or notice is received from the credit card issuer that payment will not be made, for any reason, the fine, restitution, forfeiture, penalty or costs shall be treated as unpaid, and the court may pursue all available remedies to obtain payment. The clerk of the court to whom the dishonored check or credit card was tendered may impose a fee of twenty dollars or ten percent of the value of the payment, whichever is greater, in addition to the fine and costs already imposed.

The clerk of court may refuse acceptance of checks or credit cards of ~~individuals~~ *an individual* if (i) *he has been* convicted of a violation of Chapter 6 (§ 18.2-168 et seq.) of Title 18.2 in which a check, credit card, or credit card information was used to commit the offense, (ii) ~~who~~ *he has* previously tendered to the court a check which was not ultimately honored or a credit card or credit card information which did not ultimately result in payment by the credit card issuer, (iii) if authorization of payment is not given by the bank or credit card issuer, (iv) if the validity of the check or credit card cannot be verified, or (v) if the payee of the check is other than the court.

§ 19.2-353.3. (Delayed effective date) Acceptance of checks and credit cards in lieu of money; additional fee.

Notwithstanding the provisions of § 19.2-353, personal checks and credit cards shall be accepted in lieu of money to collect and secure all fees, fines, restitution, forfeiture, penalties and costs collected for offenses tried in a circuit or district court, including motor vehicle violations, committed against the Commonwealth or against any county, city or town. *However, the Notwithstanding the provisions of § 19.2-353, personal checks shall be accepted in lieu of money to collect and secure all fees, fines, restitution, forfeiture, penalties and costs collected for offenses tried in a circuit court, including motor vehicle violations, committed against the Commonwealth or against any county, city or town. The clerk of the circuit courts in the City of Staunton and in the Counties of Alleghany, Amherst, Appomattox, Augusta, Bath, Bland, Botetourt, Buckingham, Charles City, Charlotte, Cumberland, Floyd, Franklin, Greenville, Halifax, Highland, Lunenburg, Nelson, Nottoway, Patrick, Rockbridge, Surry, Sussex and Tazewell* any circuit court shall not be required to but may, in ~~their~~ *his* discretion, accept credit card payment in lieu of money to collect and secure all fees, fines, restitution, forfeitures, penalties, and costs collected for such offenses. The Committee on District Courts shall devise a procedure for approving and accepting checks and credit cards that shall be accepted by the district courts. Court personnel shall not be held to be guarantors of the payment made in such manner and shall not be personally liable for

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