

By: Miller of Comal

H.B. No. 3263

A BILL TO BE ENTITLED

AN ACT

relating to the payment of fees and other costs by credit card,
debit card or electronic means in municipalities and counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 132.001, LOCAL GOVERNMENT CODE, is
hereby amended to read as follows:

Sec. 132.001. DEFINITIONS. In this chapter:

(1) "Credit card" means a card, plate, or similar
device used to make purchases on credit or to borrow money.

(2) "Debit card" means a card, plate or similar device
that provides the holder electronic access to the holder's bank
account(s) at a financial institution.

(3) "Payment by electronic means" means payment by
telephone or computer but does not include payment in person or by
mail.

SECTION 2. Section 132.002, LOCAL GOVERNMENT CODE, is
hereby amended to read as follows:

Sec. 132.002. PAYMENT OF FEES OR COSTS BY CREDIT CARD, DEBIT
CARD OR ELECTRONIC MEANS. (a) The commissioners court of a county
may authorize a county or precinct officer who collects fees,
fines, court costs, or other charges on behalf of the county or the
state to accept payment by credit card or debit card of a fee, fine,
court costs, or other charge. The commissioners court may also
authorize a county or precinct officer to collect and retain a fee

1 for processing the payment by credit card or debit card.

2 (b) The governing body of a municipality may authorize a
3 municipal official who collects fees, fines, court costs, or other
4 charges to:

5 (1) accept payment by credit card or debit card of a
6 fee, fine, court cost, or other charge; and

7 (2) collect and retain a fee for processing the
8 payment by credit card or debit card.

9 (c) The governing body of a municipality may authorize the
10 acceptance of payment by credit card or debit card without
11 requiring collection of a fee.

12 (d) The commissioners court may authorize a county or
13 precinct officer who collects fees, fines, court costs, or other
14 charges on behalf of the county or the state to accept payment by
15 electronic means of a fee, fine, court costs, or other charge. The
16 commissioners court may also authorize a county or precinct officer
17 to collect and retain a handling fee for processing the payment by
18 electronic means.

19 (e) A commissioners court may authorize the acceptance of
20 payment by credit card, debit card or by electronic means without
21 requiring collection of a fee.

22 (f) The director of a community supervision and corrections
23 department, with the approval of the judges described by Section
24 76.002, Government Code, may authorize a community supervision
25 official who collects fees, fines, court costs, and other charges
26 to:

27 (1) accept payment by debit card or credit card or

1 electronic means of a fee, fine, court cost, or other charge; and

2 (2) collect a fee for processing the payment by debit
3 card or credit card or electronic means.

4 SECTION 3. Section 132.003, LOCAL GOVERNMENT CODE, is
5 hereby amended to read as follows:

6 Sec. 132.003. PROCESSING OR HANDLING FEE. (a) The
7 commissioners court shall set a processing fee in an amount that is
8 reasonably related to the expense incurred by the county or
9 precinct officer in processing the payment by credit card, debit
10 card or electronic means. However, the court may not set the
11 processing fee in an amount that exceeds five percent of the amount
12 of the fee, court cost, or other charge being paid.

13 (b) The governing body of a municipality shall set the
14 processing fee in an amount that is reasonably related to the
15 expense incurred by the municipal official in processing the
16 payment by credit card, debit card or electronic means. However,
17 the governing body may not set the processing fee in an amount that
18 exceeds five percent of the amount of the fee, fine, court cost, or
19 other charge being paid.

20 (c) If the commissioners court authorizes collection of a
21 handling fee under Section 132.002(d), the fee shall be set:

22 (1) at a flat rate that does not exceed \$5 for each
23 payment transaction; or

24 (2) at a rate that is reasonably related to the expense
25 incurred by the county or precinct officer in processing a payment
26 by electronic means and that does not exceed five percent of the
27 amount of the fee, court cost, or other charge being paid.

1 (d) In addition to the fee set under Subsection (a), the
2 commissioners court of a county may authorize a county or precinct
3 officer to collect on behalf of the county from a person making
4 payment by credit card, debit card or electronic means an amount
5 equal to the amount of any transaction fee charged to the county by
6 a vendor providing services in connection with payments made by
7 credit card, debit card or electronic means. The limitation
8 prescribed by Subsection (a) on the amount of a fee does not apply
9 to a fee collected under this subsection.

10 (e) In addition to the fee set under Subsection (b), the
11 governing body of a municipality may authorize a municipal official
12 to collect on behalf of the municipality from a person making
13 payment by credit card, debit card or electronic means an amount
14 equal to the amount of any transaction fee charged to the
15 municipality by a vendor providing services in connection with
16 payments made by credit card, debit card or electronic means. The
17 limitation prescribed by Subsection (b) on the amount of a fee does
18 not apply to a fee collected under this subsection.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2013.