

ALABAMA RULES OF JUDICIAL ADMINISTRATION

Rule 41.

Payment by credit card of court assessments, costs, fees, and forfeitures.

(A) *Payments by credit card.* Clerks of the circuit courts and the district courts may accept credit cards for the payment of court assessments, fees (including filing fees), costs, fines, forfeitures, judgments, restitution, attorney fees, any moneys collected and payable to individuals, businesses, partnerships, or any person or entity, and any assessment of any kind. Clerks of the municipal courts may likewise accept credit cards for the payment of the above assessments, fees, costs, fines, forfeitures, judgments, restitution, or other moneys, provided that the municipal governing body has, by resolution, authorized the acceptance of credit cards for those payments. The process for accepting payments by credit card must comply with § 41-1-60, Code of Alabama 1975.

The clerk may refuse to accept a credit card for payment in the following situations: 1) if the individual attempting to pay by credit card has been convicted of an offense or violation involving the use of a credit card; 2) if the individual has previously tendered to the court a credit card or credit-card information that did not ultimately result in payment by the credit-card issuer; 3) if the bank or credit-card issuer does not authorize payment; or 4) if the validity of the credit card cannot be verified.

The Administrative Director of Courts may authorize the clerk of a circuit or district court to accept credit-card payment by telephone. If so authorized and if accepted by the clerk, credit-card payment by telephone shall have the same effect as payment made by mail or in person, including the effect of such payment as a guilty plea. As is the case with payments by mail or in person, the clerk may treat as a partial payment an amount tendered for less than the full amount.

If the credit-card issuer notifies the clerk that payment will not be made for any reason, the assessment, fee, cost, fine, forfeiture, judgment, restitution, or other moneys shall be treated as unpaid, and the court may pursue any legally authorized means necessary to obtain payment. If any credit-card draft is not paid following due presentment to a card issuer or draft purchaser or is charged back to the clerk for any reason, any record of payment made honoring the credit card shall be corrected to reflect that no payment was made. Any receipt issued in acknowledgment of the attempted payment shall be void. The obligation of the cardholder shall continue as an outstanding obligation as though no payment has been attempted.

(B) *Fees for use of credit cards taxed as costs.* Convenience fees and other administrative fees levied for the privilege of paying assessments, fees, costs, fines, or forfeitures by credit card shall be taxed as costs when costs are taxed by the court.

[Added eff. 1-1-2000; Amended 7-30-2012; Amended 5-6-2015.]

**Court Comment to Amendment to Rule 41(A)
Effective May 6, 2015**

In 2014, the Alabama Legislature passed Act No. 2014-166, which amended Ala. Code 1975, § 12-19-290(d), to allow clerks of the circuit and district courts to accept credit cards, charge cards, or debit cards for any payment, including third-party payments such as judgments and restitution. The law became effective on June 1, 2014; the language of Rule 41 was amended to reflect the language of the amended statute.

Note from the reporter of decisions: The order adopting Rule 41, effective January 1, 2000, is published in that volume of *Alabama Reporter* that contains Alabama cases from 741 So.2d.

Note from the reporter of decisions: The order amending Rule 41, effective July 30, 2012, is published in that volume of *Alabama Reporter* that contains Alabama cases from 91 So. 3d.

Note from the reporter of decisions: The order amending Rule 41(A), effective May 6, 2015, and adopting the Court Comment to Amendment to Rule 41(A) Effective May 6, 2015, is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 3d.