

IN THE SUPREME COURT OF ALABAMA
July 30, 2012

ORDER

IT IS ORDERED that the previous order of this Court dated July 13, 2012, amending Rule 41, Alabama Rules of Judicial Administration, is hereby rescinded and the amendment proposed by that order is hereby withdrawn;

IT IS FURTHER ORDERED that Rule 41, Alabama Rules of Judicial Administration, is amended to read in accordance with the appendix to this order;

IT IS FURTHER ORDERED that this amendment be effective immediately;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 41:

"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 ___ So. 3d."

Malone, C.J., and Woodall, Stuart, Bolin, Parker, Murdock, Shaw, Main, and Wise, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 30th day of July, 2012

Robert G. Esdale, Sr.
Clerk, Supreme Court of Alabama

APPENDIX

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, and forfeitures. Clerks of the municipal courts may likewise accept credit cards for the payment of the above assessments, fees, costs, fines, and forfeitures, provided that the municipal governing body has, by resolution, authorized the acceptance of credit cards for those payments. Payments by credit card will not be accepted for restitution, child support, or alimony, or for moneys ordered to be paid to a third party. 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, or forfeiture 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.