

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 200

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO COURT FEES; AMENDING SECTION 31-3221, IDAHO CODE, TO PROVIDE FOR  
THE REIMBURSEMENT AND AWARDING OF ELECTRONIC PAYMENT CONVENIENCE FEES  
IN CERTAIN INSTANCES AND TO REVISE A DEFINITION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-3221, Idaho Code, be, and the same is hereby  
amended to read as follows:

31-3221. PAYMENTS TO COURT BY CREDIT CARD OR DEBIT CARD. (1) The clerk  
of the district court may accept payment of a debt owed to the court by a  
credit card or debit card. Any person making payment on a debt owed to the  
court by a credit card or debit card shall be assessed an electronic payment  
convenience fee established by the supreme court, which shall include, among  
other costs, the amount charged the court by the issuer for the use of the  
card. This fee may also be paid by credit card or debit card and included in  
the transaction for the payment of the debt owed to the court. The electronic  
payment convenience fee shall be separate from the debt owed to the court and  
shall be deposited into the court technology fund created in section 1-1623,  
Idaho Code, and shall be used for the implementation of the provisions of  
this section. In any action when fees and costs are awarded to a party that  
made an electronic payment convenience fee, the party shall be entitled to  
reimbursement and awarded the actual cost of the electronic payment con-  
venience fee as a matter of right. The debt owed to the court shall not be  
expunged, canceled, released, discharged or satisfied and any receipt or  
other evidence of payment shall be deemed conditional until the court has  
received final and unconditional payment of the full amount due from the  
financing agency or card issuer for the transaction. If an electronic pay-  
ment once made is subsequently denied, revoked or otherwise canceled for any  
reason, and the payment is withdrawn from the court, the court may proceed as  
though payment had never been made.

(2) Definitions. As used in this section:

(a) "Cardholder" means the person or organization named on the face of a  
credit card or debit card to whom or for whose benefit the credit card or  
debit card is issued by an issuer.

(b) "Credit card" means any instrument or device, whether known as a  
credit card or credit plate or by any other name, issued with or with-  
out a fee by an issuer for the use of the cardholder in obtaining money,  
property, goods, services or anything else of value on credit.

(c) "Debit card" means any instrument or device, whether known as a  
debit card or by any other name, issued with or without a fee by an issuer  
for the use of the cardholder in depositing, obtaining or transferring  
funds.

1 (d) "Debt owed to the court" means any assessment of fines, court costs,  
2 surcharges, penalties, fees, electronic payment convenience fees,  
3 restitution, cash deposit of bail, moneys expended in providing counsel  
4 and other defense services to indigent defendants, or other charges  
5 which a court judgment has ordered to be paid to the court or which a  
6 party has agreed to pay in criminal or civil cases and includes any in-  
7 terest or penalty on such unpaid amounts as provided for in the judgment  
8 or by law.

9 (e) "Issuer" means a business organization, financial institution or  
10 authorized agent of a business organization or financial institution  
11 that issues a credit card or debit card.

12 (3) The supreme court may adopt rules as deemed appropriate for the ad-  
13 ministration of this section and may enter into contracts with an issuer or  
14 other organization to implement the provisions of this section.