

By: Representative Busby

To: County Affairs;
Municipalities

HOUSE BILL NO. 167

1 AN ACT TO AMEND SECTION 17-25-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE HOW A COUNTY OR MUNICIPALITY MAY SET THE PROCESSING RATE
3 FOR ELECTRONIC PAYMENTS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 17-25-1, Mississippi Code of 1972, is
6 amended as follows:

7 17-25-1. The board of supervisors of any county and the
8 governing authorities of any municipality may allow the payment of
9 various taxes, fees and other accounts receivable to the county or
10 municipality, and the payment for retail merchandise sold by the
11 county or municipality, by credit cards, charge cards, debit cards
12 and other forms of electronic payment, in accordance with policies
13 established by the State Auditor. Except as otherwise provided in
14 this section, any fees or charges associated with the use of such
15 electronic payments shall be assessed to the user of the
16 electronic payment as an additional charge for processing the
17 electronic payment, so that the user will pay the full cost of
18 using the electronic payment. * * * The county or municipality



19 shall evaluate the average charge of processing the electronic
20 payments and may charge a flat rate for all transactions based on
21 the percentage of the transaction. If a flat rate is used, it
22 shall be reasonably related to the overall and average per
23 transaction processing fees and internal costs, not to exceed four
24 percent (4%) per transaction. Notice of such rate shall be posted
25 in a location, where the consumer can easily see such rates before
26 making an electronic payment. For purposes of this section, the
27 term "accounts receivable" includes, but is not limited to,
28 judgments, fines, costs and penalties imposed upon conviction for
29 criminal and traffic offenses. A county or municipality may bear
30 the full cost of processing such electronic payments for retail
31 merchandise sold by the county or municipality.

32 **SECTION 2.** This act shall take effect and be in force from
33 and after July 1, 2018.

