

1 HB568  
2 152750-3  
3 By Representatives Davis, McMillan, Baker and Shiver (N & P)  
4 RFD: Baldwin County Legislation  
5 First Read: 04-APR-13

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ENROLLED, An Act,

Relating to Baldwin County; providing that the offices of the revenue commissioner, judge of probate, and sheriff shall not be assessed for monetary loss up to a certain amount resulting from the performance of official duties for errors or mistakes made in good faith; and providing for the voiding of licenses issued based on worthless or forged checks.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Baldwin County Revenue Commissioner, Judge of Probate of Baldwin County, and Sheriff of Baldwin County shall not be assessed any monetary loss, not to exceed five thousand dollars (\$5,000) per year, arising or caused by error if the mistake or omission was made in good faith or was caused without the personal knowledge of the officer, including loss arising from acceptance of worthless or forged checks, drafts, money orders, or other written orders for money or its equivalent.

Section 2. It shall be the duty of the revenue commissioner, judge of probate, and sheriff to insure that the employees of the respective offices exercise due care in performing their required duties and make a diligent effort to correct the error, mistake, or omission. The respective officers shall make a good faith effort to collect the amount

1 subject to potential loss immediately upon becoming aware of  
2 the potential loss.

3 Section 3. This act shall not apply to any  
4 deliberate misuse or misappropriation of funds by the revenue  
5 commissioner, judge of probate, or the sheriff, or by any  
6 clerk, or any employee of the respective officials.

7 Section 4. The revenue commissioner, judge of  
8 probate, or sheriff, or any official, any clerk, or any  
9 employee of the respective officials, shall not be liable for  
10 worthless checks if the respective officers make a good faith  
11 effort to collect on the worthless checks.

12 Section 5. In cases where worthless or forged  
13 checks, drafts, money orders, or other written orders for  
14 money or its equivalent given for a license to the revenue  
15 commissioner, judge of probate, or sheriff is found to be  
16 noncollectible for any reason, the revenue commissioner, judge  
17 of probate, or sheriff shall make a reasonable attempt to  
18 retrieve the license in question. In the event that the  
19 license cannot be retrieved, the revenue commissioner, judge  
20 of probate, or sheriff shall so state and that statement shall  
21 constitute authorization to void any license in question. Once  
22 the license has been voided, the revenue commissioner, judge  
23 of probate, or sheriff, if applicable, shall receive credit  
24 for the cost of the license, taxes, and all other fees from  
25 the appropriate agencies. If applicable, the appropriate state

1 office shall mark the records pertaining to the license void  
2 and, upon inquiry by law enforcement agencies, shall notify  
3 the agencies that the party in question is operating under a  
4 void license. All violations will be prosecuted in accordance  
5 with current law.

6 Section 6. All laws or parts of laws which conflict  
7 with this act are repealed.

8 Section 7. The provisions of this act are severable.  
9 If any part of this act is declared invalid or  
10 unconstitutional, that declaration shall not affect the part  
11 which remains.

12 Section 8. This act shall become effective  
13 immediately following its passage and approval by the  
14 Governor, or its otherwise becoming law.

