

1 SB374  
2 212595-1  
3 By Senators Williams and Sessions  
4 RFD: Banking and Insurance  
5 First Read: 01-APR-21

8 SYNOPSIS: This bill would substantially revise the law  
9 governing tax collecting officials and the their  
10 duties and powers.

11 Amendment 621 of the Constitution of Alabama  
12 of 1901, now appearing as Section 111.05 of the  
13 Official Recompilation of the Constitution of  
14 Alabama of 1901, as amended, prohibits a general  
15 law whose purpose or effect would be to require a  
16 new or increased expenditure of local funds from  
17 becoming effective with regard to a local  
18 governmental entity without enactment by a 2/3 vote  
19 unless: it comes within one of a number of  
20 specified exceptions; it is approved by the  
21 affected entity; or the Legislature appropriates  
22 funds, or provides a local source of revenue, to  
23 the entity for the purpose.

24 The purpose or effect of this bill would be  
25 to require a new or increased expenditure of local  
26 funds within the meaning of the amendment. However,  
27 the bill does not require approval of a local

1 governmental entity or enactment by a 2/3 vote to  
2 become effective because it comes within one of the  
3 specified exceptions contained in the amendment.  
4

5 A BILL  
6 TO BE ENTITLED  
7 AN ACT  
8

9 Relating to tax collectors; to amend Sections 40-5-1  
10 to 40-5-4, inclusive; to repeal Sections 40-5-5 and 40-5-6; to  
11 amend Sections 40-5-7 to 40-5-15, inclusive, and Sections  
12 40-5-17 to 40-5-24, inclusive; to repeal Section 40-5-25; to  
13 amend Section 40-5-26; to repeal Sections 40-5-27 and 40-5-28;  
14 to amend Section 40-5-29; to repeal Section 40-5-30; to amend  
15 Sections 40-5-31 and 40-5-32; to repeal Section 40-5-33; to  
16 amend Section 40-5-34; to repeal Section 40-5-35; to amend  
17 Section 40-5-36; to repeal Sections 40-5-37 to 40-5-40,  
18 inclusive; to amend Sections 40-5-41 and 40-5-42; to repeal  
19 Section 40-5-43; to amend Sections 40-5-44 and 40-5-45; to  
20 repeal Section 40-5-46 of the Code of Alabama 1975; to add  
21 Section 40-5-48 to the Code of Alabama 1975, to substantially  
22 revise the law governing tax collectors and the duties and  
23 powers thereof; and in connection therewith would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds within the meaning of Amendment 621  
26 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official ReCompilation of the  
2 Constitution of Alabama of 1901, as amended  
3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 40-5-1 to 40-5-4, inclusive,  
5 Code of Alabama 1975, are amended to read as follows:

6 "§40-5-1.

7 ~~"The tax collector shall keep his office open at the~~  
8 ~~courthouse all the year round. In all counties of the state~~  
9 ~~having a population of 100,000 or less according to the last~~  
10 ~~or any subsequent federal census, the tax collector shall be~~  
11 ~~required between October 1 and January 1 in each year to visit~~  
12 ~~each precinct in the county by himself or by deputy to collect~~  
13 ~~the taxes, and he shall give the same notice of such~~  
14 ~~appointments as is given by the tax assessor. The county~~  
15 ~~commission may by order duly entered on the minutes relieve~~  
16 ~~the tax collector from making the visits to each voting place~~  
17 ~~above provided for when in the judgment of the commission it~~  
18 ~~is deemed advisable and shall by order specify the places in~~  
19 ~~the county which the tax collector shall visit. As used in~~  
20 ~~this chapter, the term "tax collecting official" means the~~  
21 ~~elected or appointed official charged with collecting ad~~  
22 ~~valorem taxes and other prescribed fees on real and personal~~  
23 ~~property in the county.~~

24 "§40-5-2.

25 ~~The tax collector is authorized to collecting~~  
26 ~~official may appoint deputies, and the acts of such. The~~  
27 ~~deputies shall be recognized as his acts, and he shall be~~

1 responsible for any ~~loss sustained by any taxpayer or by the~~  
2 ~~state or county by reason of the acts done by such deputies in~~  
3 ~~the line of their powers and duties. Such deputies shall~~  
4 ~~receive no compensation for their services out of the state or~~  
5 ~~county revenue, except as otherwise provided by law~~ errors  
6 that they make. The bond for each deputy shall be not less  
7 than 50 percent of the tax collecting official's bond. The  
8 expense of the bond shall be paid from the county general  
9 fund.

10 "§40-5-3.

11 Before assuming office, the tax collector collecting  
12 official must shall execute a bond in duplicate with a surety  
13 company authorized to do business in Alabama, payable to the  
14 State of Alabama, in an amount to be determined for every  
15 county by the Comptroller. The amount of the bond for each tax  
16 ~~collector~~ collecting official will shall be set at the  
17 beginning of his or her elected or appointed term for the  
18 duration of ~~such~~ the term. A new bond for an additional amount  
19 may be required whenever, in the judgment of the Comptroller,  
20 the public welfare demands such action. The amount of the bond  
21 ~~will~~ shall be determined by the use of the following table  
22 based on a percentage of the total annual taxes collected, as  
23 recorded in the latest audit report for each office published  
24 at least four months prior to the date the bond is required to  
25 be filed:

26 TABLE FOR COMPUTING AMOUNT OF TAX ~~COLLECTOR'S~~ COL-  
27 LECTING OFFICIAL'S BOND.

1	Over	But Not Over	Amount of Bon
2	Zero	\$ 250,000	\$25,000
3	\$ 250,000	\$1,000,000	\$25,000 + 5%
4	\$1,000,000	_____	\$62,500 + 1%

5           The bond of the tax ~~collector~~ collecting official  
6 shall be approved by the Comptroller, conditioned ~~faithfully~~  
7 ~~to discharge~~ on the faithful performance of the duties of his  
8 or her office, ~~which are or may be required of him by law~~  
9 ~~during the time he continues therein or discharges any of the~~  
10 ~~duties thereof.~~ The bond, in duplicate, shall be sent to the  
11 office of the Comptroller on or before September 1, next after  
12 his or her election or, if appointed, prior to the date that  
13 he or she is to assume the duties of the office, for the  
14 Comptroller's approval. One copy shall be retained and filed  
15 in the Comptroller's office, and one copy shall be returned to  
16 the office of the ~~probate~~ judge of probate to be filed and  
17 recorded in his or her office. The cost of the bond required  
18 by this section shall be paid out of the general fund of the  
19 county on a warrant of the county commission, and the same  
20 shall be a preferred claim against the county.

21           "§40-5-4.

22           "(a) ~~The tax collector shall be entitled to receive~~  
23 ~~commissions on taxes collected by him, not including taxes on~~  
24 ~~real estate bid in by the state at tax sales and taxes which~~

1 ~~would be due on property except for the provisions of the~~  
2 ~~presently applicable law exempting homesteads from state~~  
3 ~~taxes, as follows: In counties where collections, not Not~~  
4 including taxes on real estate bid in by the state at tax  
5 sales and taxes ~~which~~ that would be due on property except for  
6 the provisions of the presently applicable law exempting  
7 homesteads from state taxes, ~~do not exceed \$12,000,~~ the tax  
8 collecting official shall collect commissions from the state  
9 and county general funds at the following ~~rate~~ rates of  
10 commission:

11 "(1) shall be ~~10~~ Ten percent on the first five  
12 thousand dollars (\$5,000), ~~five.~~

13 "(2) Five percent on the next four thousand dollars  
14 (\$4,000).

15 "(3) Four percent on the next three thousand dollars  
16 (\$3,000).

17 "(4) One and one-half percent on the remainder up to  
18 fifteen thousand dollars (\$15,000). ~~and four~~

19 "(5) One percent on the remainder above \$15,000.

20 "(b) ~~The commission herein provided for is to be~~  
21 ~~calculated on collections for real property and personal~~  
22 ~~property, except motor vehicles, for the general fund of the~~  
23 ~~state and county. In counties where the collections, not~~  
24 ~~including taxes on real estate bid in by the state at tax~~  
25 ~~sales and taxes which would be due on property except for the~~  
26 ~~provisions of the presently applicable law exempting~~  
27 ~~homesteads from state taxes, exceed \$12,000, the commissions~~

1 shall be as above declared up to \$12,000, and one and one-half  
2 percent on the remainder up to \$15,000, and one percent on the  
3 remainder above \$15,000. The commissions for collections of  
4 taxes on motor vehicles for the general fund of the state and  
5 county shall be calculated on the same basis and at the same  
6 rate as provided for the collections on real property and  
7 personal property other than motor vehicles for the general  
8 fund of the state and county. The amount of the commissions on  
9 taxes which would be due on property except for the provisions  
10 of the presently applicable law exempting homesteads from  
11 state taxes shall inure to the benefit of the General Fund of  
12 the state only and shall be covered into the Treasury to the  
13 credit of said fund. He shall also be entitled to receive two  
14 percent on all collections made by him of special taxes,  
15 whether such special taxes are levied for the state or county,  
16 to be paid out of such special taxes. The tax collector  
17 collecting official, pursuant to Section 40-4-2, shall receive  
18 two percent commissions on all special county or district  
19 taxes levied for school purposes. The collector may retain his  
20 commissions upon collections when he makes payment into the  
21 Treasury collect and disburse all commissions on special taxes  
22 at a rate of two percent for collecting and two percent for  
23 assessing to the county general fund, unless specifically  
24 exempted by law.

25 "(c) In Jefferson County, no fees or commissions  
26 shall be allowed for collecting the three-mill county school  
27 tax and the three-mill district school tax.



1           ~~"In all counties having a population of 225,000 or~~  
2 ~~more inhabitants according to the last or any subsequent~~  
3 ~~decennial federal census, the license commissioner, director~~  
4 ~~of revenue, or other official in such counties now charged~~  
5 ~~with the duty of collecting ad valorem taxes due the state and~~  
6 ~~county on motor vehicles shall continue to collect said ad~~  
7 ~~valorem tax due the state and county on motor vehicles and all~~  
8 ~~fees, charges, and commissions for collecting said ad valorem~~  
9 ~~tax on motor vehicles provided in this section to be paid to~~  
10 ~~the tax collector shall be paid to said license commissioner,~~  
11 ~~director of revenue, or other official now charged with the~~  
12 ~~collection of said ad valorem tax on motor vehicles in such~~  
13 ~~county, and he shall pay said commissions into the county~~  
14 ~~treasury, and all commissions collected by the tax collector~~  
15 ~~in such counties who is on a salary basis shall be paid into~~  
16 ~~the county treasury, and said commissions so collected and~~  
17 ~~paid into the county treasury shall be the property of the~~  
18 ~~county."~~

19           Section 2. Sections 40-5-5 and 40-5-6, Code of  
20 Alabama 1975, are repealed.

21           Section 3. Sections 40-5-7 to 40-5-15, inclusive,  
22 and 40-5-17 to 40-5-24, inclusive, are amended to read as  
23 follows:

24           "§40-5-7.

25           "After January 1, the ~~collector~~ tax collecting  
26 official ~~must~~ shall make a ~~personal~~ demand in writing by first  
27 class mail upon delinquent taxpayers, or their agents charged

1 with the duty of paying their taxes, ~~whenever they may be~~  
2 ~~found, for the amount of their taxes and fees, and when unable~~  
3 ~~to find them, to make a demand by certified or registered mail~~  
4 ~~directed to his last known place of residence or business,~~  
5 ~~return receipt demanded.~~ The demand fee shall be five dollars  
6 (\$5) for each property. It shall be the duty of ~~such~~  
7 ~~delinquents forthwith~~ the delinquent taxpayer to pay the taxes  
8 and fees assessed and charged against ~~them~~ the taxpayer, but  
9 failure to comply with the requirements of this section shall  
10 not invalidate the title to any property sold for taxes.

11 "§40-5-8.

12 "If the taxes are paid after they become delinquent,  
13 the taxpayer shall pay all costs, fees, ~~and charges, and~~  
14 interest, if any, that may at the time of payment have  
15 lawfully accrued.

16 "§40-5-9.

17 "Notwithstanding ~~the provisions of~~ Section 40-1-44,  
18 all ad valorem taxes becoming delinquent bear interest at the  
19 rate of 12 percent per annum, ~~and such interest must.~~ The  
20 interest shall be added to and collected as part of the taxes  
21 and shall be reported in such the manner as prescribed by the  
22 Comptroller ~~may prescribe.~~

23 "§40-5-10.

24 "Upon the payment by any taxpayer of the taxes,  
25 fees, and costs, if any, assessed and charged against ~~him~~ the  
26 taxpayer, the ~~collector tax collecting official~~ shall give the  
27 taxpayer a receipt therefor ~~from the book mentioned in Section~~

1     ~~40-5-11,~~ showing the name of the taxpayer, the date of the  
2     payment, and the total assessed value of real and personal  
3     property, separately, and stating the amount of the state,  
4     county, and special taxes separately, together with the  
5     interest, costs, and fees, ~~and such receipt shall be prima~~  
6     ~~facie evidence that such taxpayer has paid all his state and~~  
7     ~~county taxes for that year on the real and personal property~~  
8     ~~and other subjects of taxation contained in his assessment~~  
9     ~~lists and all fees and costs mentioned in such receipt. When~~  
10    ~~any taxpayer shall pay all the taxes on any parcel of real~~  
11    ~~estate separately assessed, the description thereof shall be~~  
12    ~~placed on the receipt.~~

13             "§40-5-11.

14             ~~"The collector shall keep a book or books of~~  
15    ~~receipts with duplicate sheets for each tax year, from which~~  
16    ~~all receipts given to taxpayers must be taken; and, on payment~~  
17    ~~by any taxpayer, the collector shall enter on the duplicate~~  
18    ~~from which the receipt is taken the name of such taxpayer, the~~  
19    ~~date of payment and the amount of taxes and the interest and~~  
20    ~~costs as specified in the receipt prescribed in Section~~  
21    ~~40-5-10, and such duplicate and the receipt taken therefrom~~  
22    ~~shall bear the same number and correspond in all respects.~~  
23    ~~Such book or books at the end of the tax year shall be~~  
24    ~~delivered by the collector to the chairman of the county~~  
25    ~~commission, and the production thereof by the collector may be~~  
26    ~~compelled by such commission at any time before such delivery.~~

1 The tax collecting official shall maintain a historic file of  
2 all individual tax payments.

3 "§40-5-12.

4 "A purchaser, ~~lien holder~~ lienholder, or mortgagee  
5 of real estate or personal property included in an assessment  
6 ~~with other real estate or personal property of the person to~~  
7 ~~whom the real estate or personal property was assessed or~~  
8 ~~subject to the lien of taxes upon other real estate or~~  
9 ~~personal property shall not be required to pay the entire~~  
10 ~~amount of taxes due by the person or corporation to whom such~~  
11 ~~real estate or personal property purchased or on which a lien~~  
12 ~~or mortgage is held is assessed, but may discharge the tax~~  
13 ~~lien against such the real estate or personal property~~  
14 ~~purchased or on which a lien or mortgage is held by paying the~~  
15 ~~actual amount of the taxes due to the tax collector collecting~~  
16 ~~official of the county in which such the taxes are due and~~  
17 ~~payable ~~the actual amount of taxes due on such real estate or~~~~  
18 ~~personal property purchased or in which a lien or mortgage is~~  
19 ~~held based on the taxable value of such purchased or~~  
20 ~~encumbered property as assessed for taxation by the person or~~  
21 ~~corporation to whom assessed; provided, that such person or~~  
22 ~~corporation to whom such purchased or encumbered property is~~  
23 ~~assessed or for whose taxes such purchased or encumbered~~  
24 ~~property is subject to a tax lien has sufficient other real~~  
25 ~~estate or personal property returned or assessed and subject~~  
26 ~~to levy or sale out of which the remainder of the taxes may be~~  
27 ~~collected by the tax collector and, provided further, that the~~

1 ~~taxable value of the real estate or personal property sought~~  
2 ~~to be discharged from such tax lien can be ascertained from~~  
3 ~~the assessment.~~

4 "§40-5-13.

5 "Any person ~~listing~~ who lists for assessment more  
6 than one piece or parcel of real property ~~which~~ that has been  
7 listed and valued separately may pay taxes on any one or more  
8 of ~~said~~ the pieces; provided, that ~~he~~ the person shall first  
9 pay taxes on all personal property listed by ~~him~~ the person in  
10 ~~said~~ the assessment.

11 "§40-5-14.

12 "(a) After January 1 of each year, the tax ~~collector~~  
13 collecting official may must proceed, without delay, to levy  
14 upon the personal property of delinquent taxpayers for the  
15 payment of their taxes and, after having first given 10 days'  
16 notice of the time and place of sale, with a description of  
17 the property to be sold, by ~~posting the same at three or more~~  
18 ~~public places in the precinct of the residence of such~~  
19 ~~delinquent, either at the time of assessment or of the levy,~~  
20 ~~or, if he is a nonresident of the county, in the precinct in~~  
21 ~~which the levy is made he must~~ certified mail and by posting  
22 on an online website controlled by the tax collecting official  
23 and accessible from the tax collecting official's website.

24 "(b) The tax collecting official shall sell the ~~same~~  
25 property, or so as much thereof of the property as may be  
26 necessary to satisfy the taxes, fees, and expenses of the  
27 sale, including the expenses of keeping the property and

1 moving the ~~same~~ property to the place of sale in front of the  
2 courthouse of the county, ~~or at the voting place,~~ or at the  
3 residence or place of business of ~~such~~ the delinquent  
4 taxpayer, or at any other place in the precinct in which ~~such~~  
5 the notice was posted, at public outcry to the highest bidder.  
6 ~~for cash, and the property so~~ Property sold ~~shall~~ under this  
7 section is not ~~be~~ subject to redemption. For making such sale,  
8 the collector shall be allowed a fee of \$5, to be collected  
9 out of the property.

10 "(c) In lieu of physically securing the property or  
11 storing or transporting the property to another location for  
12 sale, the sale may be held at any place of business,  
13 warehouse, storeroom, or facility owned or under the  
14 possession of the taxpayer, including without limitation the  
15 current location of the property to be sold.

16 ~~Such~~ (d) The taxpayer ~~may~~, at any time before the  
17 sale, may pay the taxes, interest, fees, and expenses,  
18 including the ~~collector's~~ tax collecting official's fees for  
19 the sale, the same as if it had been made, and thereby  
20 discharge the levy.

21 "(e) A person who knowingly removes, destroys, or  
22 defaces personal property subject to levy and sale under this  
23 section or who, on the date of the sale of the personal  
24 property, knowingly interferes with or obstructs the tax  
25 collecting official or sheriff, or an agent or deputy thereof,  
26 from accessing or selling the property is guilty of a Class B  
27 misdemeanor.

1           "§40-5-15.

2           "(a) The proceeds arising from such a sale for taxes  
3 under this chapter shall be applied to the payment of the  
4 expenses of the sale and of the taxes, interest, and fees due  
5 from such the taxpayer, and any balance remaining shall be  
6 paid to the owner of the property, if present at the sale, if  
7 not present or if present and he refuses to receive the same,  
8 the collector shall deposit such balance with the county  
9 treasurer or, if there is no county treasurer, with such  
10 officer entrusted with the county funds, taking a receipt  
11 therefor, and the same shall be kept as a special fund; and,  
12 whenever the owner shall apply to the collector for such  
13 balance, the collector shall deliver to him the receipts  
14 therefor, and upon presentation thereof by such owner, the  
15 officer with whom such deposit was made shall pay to him the  
16 amount expressed in the receipt. If the owner of the property  
17 is not present on the day of the sale to receive the remaining  
18 balance, the tax collecting official shall maintain the funds  
19 for 60 days during which time the owner may apply for the  
20 remaining balance. If any remaining balance is not collected  
21 or claimed within 60 days after the sale by the person  
22 entitled to receive the remaining balance, the tax collecting  
23 official shall deposit the excess money with the county  
24 treasurer, or another officer entrusted with the county funds,  
25 to the credit of the county general fund. The county treasurer  
26 shall make record of the deposit on his or her books, and the

1 excess money shall thereafter be treated as a part of the  
2 county general fund.

3 ~~"(b) But if such excess~~ If any remaining balance is  
4 ~~not called for~~ collected or claimed in three years within 60  
5 ~~days after such the~~ sale by the person entitled to receive the  
6 ~~same remaining balance, upon the order of the county~~  
7 ~~commission, stating the case or cases in which such excess was~~  
8 ~~paid, together with a description of the property sold, when~~  
9 ~~sold and the amount of such excess,~~ the county treasurer shall  
10 ~~pass~~ transfer such the excess money to the credit of the  
11 general fund of the county and make record of the ~~same~~  
12 transfer on his or her books, and ~~such the excess~~ money shall  
13 thereafter be treated as a part of the general fund of the  
14 county.

15 "§40-5-17.

16 ~~"(a) When the collector~~ a tax collecting official  
17 has information that any person owing taxes in ~~his~~ the county,  
18 whether due or not, has left the county, ~~he~~ the tax collecting  
19 official shall make out and certify to the judge of probate a  
20 bill against ~~such the~~ person and procure the approval ~~thereof~~  
21 of the bill by the judge of probate in all respects as  
22 provided in Section 40-5-31, ~~and such~~ . The bill shall operate  
23 as a writ of fieri facias, ~~and the same.~~

24 ~~"(b) The writ~~ may be executed by the collector tax  
25 collecting official if the assessed personal property of the  
26 taxpayer is found in ~~his~~ the county of the tax collecting  
27 official. ~~or may be by such collector forwarded~~



1           "(c) The tax collecting official may forward a copy  
2 of the writ to the ~~collector~~ tax collecting official of any  
3 other county in which the delinquent taxpayer has any  
4 property, and the ~~collector~~ the tax collecting official of  
5 ~~such~~ the other county, on ~~the~~ receipt of ~~such~~ the writ, shall  
6 file the ~~same~~ writ for record in the probate office in his or  
7 her county and, ~~without delay~~ shall give notice to the  
8 delinquent taxpayer in person or by certified or registered  
9 mail, return receipt demanded.

10           "(d) On failure of ~~said~~ the delinquent taxpayer to  
11 satisfy after 30 days from the date of ~~such~~ the notice, the  
12 taxes, fees, and costs due under the writ, in addition to the  
13 recording fee and a fee of five dollars (\$5) for executing  
14 such writ, ~~he~~ the tax collecting official shall proceed to  
15 execute the ~~same~~ writ as if issued in his or her county. ~~He~~  
16 The tax collecting official shall remit collections thereon to  
17 the ~~collector~~ tax collecting official sending ~~him~~ the writ and  
18 ~~is liable under his bond for any neglect of duty under this~~  
19 ~~section."~~

20           "§40-5-18.

21           "No property ~~shall be~~ is exempt from the levy and  
22 sale for the payment of taxes and the fees and charges that  
23 are lawfully incurred in assessing and collecting the taxes  
24 against the owner ~~thereof~~ of the property.

25           "§40-5-19.

26           "(a) When no personal property can be found out of  
27 which the taxes of any delinquent taxpayer can be collected,

1 or an amount insufficient to fully satisfy ~~such~~ the taxes, the  
2 real estate of ~~such~~ the delinquent taxpayer or the real estate  
3 upon which ~~such~~ the delinquent taxpayer's taxes are a lien  
4 shall be sold for the payment ~~thereof~~ of the taxes, or of the  
5 balance due thereon, ~~in the manner hereinafter prescribed as~~  
6 provided in this chapter.

7 "(b) But Notwithstanding subsection (a), the failure  
8 of the tax ~~collector~~ collecting official to ~~so~~ exhaust ~~such~~  
9 the personal property of the delinquent taxpayer ~~shall~~ does  
10 not invalidate the sale of any real estate.

11 "§40-5-20.

12 "(a) (1) If the tax upon assessed tangible personal  
13 property of a taxpayer remains unpaid after January 1 in any  
14 year, the county tax collecting official shall present the  
15 account for taxes to any person or entity who the collecting  
16 official ~~the collector~~ ascertains or has just cause to believe  
17 ~~that any person is~~ may be indebted to the delinquent taxpayer,  
18 or has in his or her possession or under his or her control  
19 any money, property, or choses in action belonging to any  
20 delinquent taxpayer in ~~his~~ the county, and demand the payment  
21 of the taxes and fees due from the taxpayer. The demand shall  
22 operate as a levy upon any assets of the delinquent taxpayer  
23 in the possession or control of the third party to whom the  
24 taxpayer is indebted and shall have the force and effect of a  
25 writ of garnishment. he shall forthwith serve upon such person  
26 ~~a notice in writing to appear before some court in the county~~  
27 ~~having jurisdiction of the amount involved, naming the court,~~

1 ~~to answer as garnishee and under oath whether he was indebted~~  
2 ~~to such taxpayer at the time of the service of the notice or~~  
3 ~~at the time of making his answer, or whether he will be~~  
4 ~~indebted to him by any contract then existing, and if so, the~~  
5 ~~amount of such indebtedness, and whether he has in his~~  
6 ~~possession, or under his control any and what money, property,~~  
7 ~~or choses in action belonging to such taxpayer; and in such~~  
8 ~~notice he shall state the amount of the taxes and fees due~~  
9 ~~from such taxpayer. He~~ The tax collecting official shall also  
10 ~~forthwith~~ immediately give ~~such~~ the delinquent taxpayer, if in  
11 the county, written notice of the service of ~~such~~ the  
12 ~~garnishment; and if he.~~ If the delinquent taxpayer resides in  
13 the state but is not in the county ~~and resides in the state,~~  
14 and his or her address is known or can be ascertained, ~~he~~ the  
15 tax collecting official shall give notice to ~~such~~ the  
16 delinquent taxpayer, and return the executed garnishment and  
17 notice ~~he shall, without delay, return executed~~ to the court  
18 before which the garnishee is cited to appear.

19 "(2) The person or entity to whom the account for  
20 delinquent taxes is presented shall pay over to the county tax  
21 collecting official the amount of the taxes and fees that the  
22 delinquent taxpayer owes and shall take the tax collecting  
23 official's receipt for the payment. The receipt shall be taken  
24 in all courts of this state as payment on the delinquent  
25 taxpayer's indebtedness to the full amount expressed on the  
26 receipt.

1           "(b) If, on demand, the person or entity fails or  
2 refuses to pay over the amount of the tax that the delinquent  
3 taxpayer owes to the tax collecting official, the tax  
4 collecting official shall file a statement of the amount of  
5 the tax and fees with the person or entity so refusing. The  
6 statement shall operate as a garnishment upon the person or  
7 entity so served. The tax collecting official shall proceed to  
8 collect the taxes in the manner fixed by law in cases of  
9 garnishment.

10           "(c) It shall be the duty of the collector, as far  
11 as by diligent inquiry he can, tax collecting official to  
12 ascertain what persons are indebted to or have in their  
13 possession any money, property, or choses in action belonging  
14 to any delinquent taxpayer.

15           "(d) A delinquent taxpayer may not be compelled to  
16 pay any debt before the debt is due, nor be compelled to pay a  
17 greater amount than is owed.

18           "(e) The cost of garnishment shall be paid by the  
19 party refusing to pay the taxes when so requested.

20           "§40-5-21.

21           ~~Such~~ Garnishment proceedings shall be conducted in  
22 the name of the state and before the circuit court.

23           "§40-5-22.

24           "The clerk and the sheriff shall be entitled to the  
25 same fees as in cases of garnishment on judgments, and the  
26 ~~collector~~ tax collecting official shall be entitled to two  
27 dollars (\$2).

1                   "§40-5-23.

2                   ~~"The tax collector shall in each year report on oath~~  
3 ~~to the Department of Revenue at Montgomery, and to the county~~  
4 ~~commission at the June meeting thereof, a list on a form~~  
5 ~~prescribed by the Department of Revenue of the persons from~~  
6 ~~whom the taxes assessed against them cannot be collected, with~~  
7 ~~the amount of taxes, state and county assessed against each,~~  
8 ~~which shall be termed "list of insolvents," and a list of such~~  
9 ~~persons as have been overassessed or wrongfully assessed, with~~  
10 ~~the taxes, state and county assessed against each, which shall~~  
11 ~~be termed "list of errors in assessments," and any taxes which~~  
12 ~~may be in litigation, in order that the same may be passed~~  
13 ~~upon and determined by the commission. The tax collector shall~~  
14 ~~cause the said "list of insolvents" to be published twice~~  
15 ~~during the month of July following the submission thereof at~~  
16 ~~the first regular meeting in June of the county commission.~~  
17 ~~Said publication shall be made in a daily newspaper printed~~  
18 ~~and published in said county or, if no such paper is published~~  
19 ~~therein, then in a weekly newspaper published in said county;~~  
20 ~~if there is neither a daily nor weekly newspaper of any sort~~  
21 ~~published in said county, then he shall post said "list of~~  
22 ~~insolvents" in the courthouse and in three other conspicuous~~  
23 ~~places in said county and keep said posting available for the~~  
24 ~~public during the entire month of July. A failure to publish~~  
25 ~~said list as here required shall constitute a misdemeanor.~~

26                   ~~"One third of the cost of advertisement provided in~~  
27 ~~this section shall be paid out of the General Fund of the~~

1 ~~state by warrant drawn by the Comptroller, and two thirds~~  
2 ~~thereof shall be paid out of the general fund of the county in~~  
3 ~~which said advertisement is made.~~

4 "(a) (1) On or before the first regular county  
5 commission meeting in June of the current tax year, the tax  
6 collecting official shall submit a report to the county  
7 commission on a form provided by the Department of Revenue  
8 showing all errors in assessments, taxes in litigation,  
9 insolvents, lands bid in to the state, and tax liens that were  
10 not auctioned or sold, including a list of insolvents.

11 "(2) The list of insolvents required to be reported  
12 in subdivision (1) shall include the name, residential or  
13 business address, and all taxes, cost, and interest charged  
14 against each listed person. The tax collecting official shall  
15 cause the list to be published for two weeks in July on a  
16 website of the tax collecting official or the county website  
17 of which the tax collecting official has access, or in a local  
18 newspaper published and printed in the county.

19 "(3) A tax collecting official who fails to publish  
20 and display the list of insolvents as required in subdivision  
21 (2) shall be guilty of a Class C misdemeanor.

22 "(b) The cost, if any, for advertisement of the list  
23 of insolvents required under this section shall be paid from  
24 the county general fund and any money collected from  
25 insolvents shall include the cost of advertisement and repaid  
26 to the county general fund.

1           "(c) All reports submitted to the county commission  
2 under this section shall be certified and forwarded to the  
3 Comptroller upon the tax collecting official's final  
4 settlement to allow credits to the tax collecting official.

5           "§40-5-24.

6           ~~"At the first regular meeting in June, the county~~  
7 ~~commission shall make a careful and rigid examination of such~~  
8 ~~lists and of the facts pertaining thereto, in consultation~~  
9 ~~with the tax assessors, and shall ascertain and determine what~~  
10 ~~taxes contained in the lists of insolvents the collector could~~  
11 ~~not, by the use of due diligence, have collected, and what~~  
12 ~~taxes contained in the list of errors in assessments should~~  
13 ~~not have been collected by him by reason of such errors, and~~  
14 ~~shall correct such list accordingly, shall credit the~~  
15 ~~collector with the county taxes contained in such list as~~  
16 ~~corrected and shall ascertain what taxes are in litigation and~~  
17 ~~credit the collector with the county taxes so in litigation.~~  
18 ~~The credits allowed the tax collector under this section shall~~  
19 ~~be approved by the Department of Revenue.~~

20           "(a) The county commission shall make a careful  
21 examination of all reports submitted to the county commission  
22 pursuant to Section 40-5-23 and, in consultation with the tax  
23 collecting official, shall determine which taxes on insolvents  
24 on the list could not be collected.

25           "(b) The county commission shall direct the tax  
26 collecting official to provide to the official responsible for  
27 issuing state, county, and municipal business or manufacturing

1 licenses that no license shall be issued for any person that  
2 has insolvent status until confirmation is provided by the tax  
3 collecting official that the insolvent's taxes have been paid.  
4 As provided in this subsection, payment of insolvent taxes  
5 includes all taxes, fees, and interest that have accrued and  
6 any cost incurred to collect the taxes. Payment must be made  
7 with certified funds.

8 "(c) After all reports have been examined and  
9 approved, the county commission shall provide a letter of  
10 approval and acceptance for credits to the state Comptroller  
11 for final settlement for the tax collecting official."

12 Section 4. Section 40-5-25, Code of Alabama 1975, is  
13 repealed.

14 Section 5. Section 40-5-26, Code of Alabama 1975, is  
15 amended to read as follows:

16 "§40-5-26.

17 "Upon the allowance and credit to the tax ~~collector~~  
18 collecting official of insolvent taxes for insolvents and  
19 taxes in litigation, a new account must be stated by the  
20 county commission for county taxes and by the Comptroller for  
21 state taxes for the credits allowed the tax collecting  
22 official and shall remain charges for no more than three years  
23 from the tax lien date of the initial tax insolvency. For  
24 taxes in litigation, termination shall be at the discretion of  
25 the state Comptroller. After the specified time, the liability  
26 for charges on an insolvency shall be reported by the tax  
27 collecting official to the county commission and state



1 ~~Comptroller. as provided in Sections 40-5-24 and 40-5-25, the~~  
2 ~~county commission shall, on behalf of the county, state a new~~  
3 ~~account against the collector for the amounts of insolvent~~  
4 ~~county taxes and county taxes in litigation so allowed and~~  
5 ~~credited; and, upon allowance by the Comptroller of the~~  
6 ~~credits for insolvent state taxes and state taxes in~~  
7 ~~litigation, as provided in Section 40-5-25, a new account must~~  
8 ~~be stated by the Comptroller against the collector for the~~  
9 ~~amounts of insolvent state taxes and the amounts of state~~  
10 ~~taxes in litigation so allowed and credited; and the collector~~  
11 ~~shall remain charged with such sums until the liability is~~  
12 ~~discharged, as hereinafter provided."~~

13 Section 6. Sections 40-5-27 and 40-5-28, Code of  
14 Alabama 1975, are repealed.

15 Section 7. Section 40-5-29, Code of Alabama 1975, is  
16 amended to read as follows:

17 "§40-5-29.

18 "At the first regular meeting of the county  
19 commission ~~held during~~ in January of the year next succeeding,  
20 the ~~collector must~~ tax collecting official shall make a final  
21 report of the uncollected balances of such insolvent taxes and  
22 taxes in litigation. The county commission shall issue a  
23 credit to the tax collecting official for the satisfaction of  
24 final settlement with the Comptroller. ~~, showing the name of~~  
25 ~~every insolvent taxpayer from whom he has been unable to~~  
26 ~~collect, the amounts of state and county taxes due from him~~  
27 ~~and an itemized report of the taxes still in litigation; and~~

1 ~~thereupon, if the commission is satisfied that the collector~~  
2 ~~has made diligent effort to collect such taxes, the commission~~  
3 ~~shall make an order allowing the collector credit for such~~  
4 ~~insolvent taxes as he has been unable to collect and for taxes~~  
5 ~~remaining in litigation and shall credit him with all county~~  
6 ~~taxes included therein; and the presiding officer shall~~  
7 ~~certify the same to the Comptroller, who shall thereupon~~  
8 ~~credit the collector with the state taxes included in the~~  
9 ~~lists so allowed. The account for accounts of taxes remaining~~  
10 ~~in litigation that are remaining shall ~~thereafter~~ be kept in~~  
11 ~~such a manner as ~~the~~ prescribed by the Comptroller may~~  
12 ~~prescribe."~~

13 Section 8. Section 40-5-30, Code of Alabama 1975, is  
14 repealed.

15 Section 9. Sections 40-5-31 and 40-5-32, Code of  
16 Alabama 1975, are amended to read as follows:

17 "§40-5-31.

18 "It shall be the duty of the tax ~~collector~~  
19 collecting official, whenever upon information or otherwise he  
20 or she has good reason to believe that any person owing taxes,  
21 whether due or not, is about to leave or remove his or her  
22 property from the county, or that ~~such~~ the person is closing  
23 out or going out of business or disposing of substantially all  
24 of his or her personal property and ~~thereby~~ the collection of  
25 ~~such~~ the taxes is endangered, to make out and certify to the  
26 judge of probate a bill against ~~such~~ the person for the amount  
27 of ~~such~~ the taxes and any fees due to the assessor or

1 ~~collector collecting official; and, upon.~~ Upon the approval  
2 ~~thereof~~ of the bill by the judge of probate in writing  
3 endorsed thereon, ~~such~~ the bill shall operate as a writ of  
4 fieri facias ~~which~~ that the ~~collector~~ collecting official is  
5 ~~authorized to~~ may execute by levy and sale, in the same manner  
6 as sheriffs are authorized to execute ~~such~~ writs when issued  
7 out of the circuit court. ~~Said~~ The writ may be executed in any  
8 county of the state where property of the taxpayer is found.  
9 The ~~collector~~ tax collecting official of ~~such~~ the county ~~must~~  
10 shall execute the writ forwarded to him or her by the  
11 ~~collector~~ collecting official of the county where the  
12 assessment was made, the same as if issued in his or her own  
13 county. ~~He~~ The tax collecting official shall remit collections  
14 ~~thereon~~ on the writ to the ~~collector~~ other collecting official  
15 who ~~sending him~~ sent the writ and is liable on his or her bond  
16 for any neglect of duty under this section. Advertisements in  
17 newspapers or otherwise of sales of any personal property as a  
18 closing out sale, fire sale, bankrupt sale, or any sale of  
19 like character shall be prima facie evidence that the  
20 collection of taxes due on property so advertised is  
21 endangered within the meaning of this section.

22 "§40-5-32.

23 ~~"On failure of the tax collector to act when~~  
24 ~~notified that any person is about to leave or remove his~~  
25 ~~property from the county or that such person is closing out or~~  
26 ~~going out of business or is disposing of substantially all of~~  
27 ~~his personal property by a closing out sale, bankrupt sale,~~

1 ~~fire sale, manufacturers' sale, or otherwise, and the~~  
2 ~~collection of taxes due or to become due is endangered, he~~  
3 ~~shall be liable for the amount of taxes assessed against such~~  
4 ~~person.~~

5 "(a) As used in this section, the term "partial  
6 payment" means a payment that is less than the full amount of  
7 taxes due.

8 "(b) At the discretion of the tax collecting  
9 official, the collecting official may accept one or more  
10 partial payments of any amount per tax account for payment of  
11 taxes and assessments on tangible personal property.

12 "(c) Each partial payment, less a 10 dollar (\$10)  
13 processing fee payable to the tax collecting official, shall  
14 be credited to the tax account. The taxpayer has the  
15 responsibility to ensure that the remaining amount due is  
16 paid.

17 "(d) The tax collecting official shall prepare and  
18 mail at least one notice with the balance due. The collecting  
19 official shall mail the notice in the form as he or she  
20 considers proper and necessary or as may be required by rule  
21 of the Department of Revenue.

22 "(e) At the tax collecting official's discretion, an  
23 underpayment of 10 dollars (\$10) or less may be deemed a  
24 payment in full, rather than a partial payment."

25 Section 10. Section 40-5-33, Code of Alabama 1975,  
26 is repealed

1                   Section 11. Section 40-5-34, Code of Alabama 1975,  
2 is amended to read as follows:

3                   "§40-5-34.

4                   "(a) It is the duty of the ~~collector~~ tax collecting  
5 official, when engaged in the collection of taxes for any  
6 year, ~~if he discovers~~ upon discovering that any person or  
7 property within ~~his~~ the county has not been assessed with ~~the~~  
8 ~~tax or~~ any taxes lawfully chargeable to ~~such~~ the person or  
9 property for that year, or any preceding year, not more than  
10 five years before ~~that~~ the time of discovery, ~~forthwith to~~  
11 ~~assess and collect the taxes due on the same and in writing to~~  
12 ~~notify the assessor of the fact so discovered, in order that~~  
13 ~~proper assessment of unassessed taxes may be made, and the~~  
14 ~~collector has the same authority to administer oaths and~~  
15 ~~propound questions as the assessor has, and any party failing~~  
16 ~~or refusing to answer such questions or to give in his~~  
17 ~~property shall be liable to the same penalties as provided in~~  
18 ~~cases where parties fail or refuse to return their property to~~  
19 ~~the assessor or answer the questions required to be propounded~~  
20 ~~by the assessor. In such assessments of escaped taxes, the~~  
21 ~~taxpayer on giving notice to the tax collector shall have the~~  
22 ~~right of appeal as provided for escaped assessments made by~~  
23 ~~the tax assessor, and all provisions and conditions applying~~  
24 ~~thereto shall apply as to escaped assessments made by the tax~~  
25 ~~assessor~~ tax assessing official that certain property has  
26 escaped taxation.

1           "(b) The tax assessing official shall prepare an  
2 assessment up to five prior years at the time of discovery  
3 with an assessment to the person with ownership of the  
4 property. The assessment shall be made with other like  
5 property and shall charge a 10 percent penalty on the total  
6 assessed value, plus one five dollar (\$5) fee. The tax  
7 assessing official shall notify the tax collecting official in  
8 writing of the total amount of taxes, fees, and costs to be  
9 collected. The tax assessing official shall enter the same in  
10 the tax collecting official's abstract, provided the escape  
11 exists prior to final settlement for the tax collecting  
12 official. If the escape occurs after final settlement, the tax  
13 collecting official shall make a report to the state and  
14 disburse the proceeds to each agency, withholding the  
15 commission at the rate that was applicable prior to final  
16 settlement."

17           Section 12. Section 40-5-35, Code of Alabama 1975,  
18 is repealed.

19           Section 13. Section 40-5-36, Code of Alabama 1975,  
20 is amended to read as follows:

21           "§40-5-36.

22           "(a) The tax ~~collector~~ collecting official, on  
23 October 15 of each year and on the first and fifteenth day of  
24 each month thereafter, shall ~~make under oath, to the county~~  
25 ~~treasurer and school treasurer or, if there is no county~~  
26 ~~treasurer or school treasurer in the county, to the custodian~~  
27 ~~of the funds of the county and schools, an itemized report in~~

1 ~~writing, a copy of which shall be by the collector forwarded~~  
2 ~~to the Comptroller, and a copy filed with the probate judge,~~  
3 ~~setting forth separately the taxes, interest, and penalties~~  
4 ~~collected by him for the state, county, and schools since the~~  
5 ~~making of his last report; and within five days after making~~  
6 ~~such report, he must pay to the State Treasurer all state~~  
7 ~~taxes, interest, and penalties then due from him to the state,~~  
8 ~~and he must also pay to the county treasurer and to the school~~  
9 ~~treasurer or, if there is no county treasurer or school~~  
10 ~~treasurer in the county, to the custodian of the funds of the~~  
11 ~~county and of the schools, all county taxes, interest, and~~  
12 ~~penalties and all school taxes, interest, and penalties then~~  
13 ~~due from him to the county and to the schools, by him before~~  
14 ~~that time collected. Where any official other than a tax~~  
15 ~~collector is charged with the collection of ad valorem taxes~~  
16 ~~on automobiles, such official may make his said reports and~~  
17 ~~distribution of ad valorem taxes collected on automobiles,~~  
18 ~~trucks, trailers, motorcycles, and all other motor vehicles at~~  
19 ~~the same time he distributes money received by him for motor~~  
20 ~~vehicle licenses. The county treasurer and the school~~  
21 ~~treasurer, or, if there is no county treasurer or school~~  
22 ~~treasurer in the county, then the custodian of the funds of~~  
23 ~~the county and of the schools, shall give to the collector a~~  
24 ~~receipt in duplicate of such semimonthly payment, one of which~~  
25 ~~duplicates shall be promptly forwarded to the Comptroller by~~  
26 ~~the tax collector. If no collection of taxes, interest, or~~  
27 ~~penalties have been collected by the collector prior to any~~

1 ~~reporting date, he shall make the report herein required~~  
2 ~~stating under oath that no taxes, interest, or penalties were~~  
3 ~~collected during the period for which report is made~~ provide a  
4 detailed report showing the total gross receipts, including  
5 the calculation of taxes for each, interest collected,  
6 commissions withheld, and all other documented withholdings  
7 from each agency that receives taxes. The report shall have a  
8 detailed showing for each millage rate assessed for each  
9 agency. The report shall be a sworn statement that is  
10 duplicated for each agency, a copy of the report shall be  
11 available to each agency receiving disbursements upon request.

12 " (b) Should the report and payment of taxes,  
13 interest, and penalties herein required not be made within 10  
14 days after the same is due, the Comptroller shall immediately  
15 notify the Chief Examiner of Public Accounts, who shall  
16 forthwith cause the books of the official to be examined, and  
17 the Comptroller shall also immediately notify the tax  
18 collector's bondsmen, who may within 30 days from date of  
19 notice from the Comptroller withdraw from further  
20 responsibility as such bondsmen by giving 15 days' notice by  
21 certified or registered mail to the tax ~~collector~~ collecting  
22 official, the ~~probate~~ judge of probate of the county, and the  
23 Comptroller, but ~~such~~ the bondsmen shall not be relieved of  
24 any responsibility with respect to the tax ~~collector~~  
25 collecting official arising during the time they are on ~~his~~  
26 the tax collecting official's bond. When the bondsmen on a tax  
27 collecting official's ~~collector's~~ bond serve notice of their



1 desire to withdraw from the responsibility as such bondsmen as  
2 herein provided, it shall be the duty of the tax ~~collector~~  
3 collecting official to make, on or before the withdrawal date  
4 of his or her then bondsmen, a new bond in an amount and with  
5 ~~such~~ sufficient surety as ~~may be~~ required by law. Upon failure  
6 of the tax ~~collector~~ collecting official to make ~~such~~ the new  
7 bond, the Comptroller shall notify the Governor that a vacancy  
8 exists in the office of tax ~~collector~~ collecting official of  
9 the county, and the Governor shall appoint a tax ~~collector~~  
10 collecting official to serve the remainder of the term for  
11 which the former tax ~~collector~~ collecting official was elected  
12 or appointed to serve. The tax ~~collector~~ collecting official  
13 appointed to serve the remainder of the term ~~shall~~, before  
14 entering upon the duties of the office, shall make bond in the  
15 amount and with such surety as is required by this code."

16 Section 14. Sections 40-5-37 to 40-5-40, inclusive,  
17 of the Code of Alabama 1975, are repealed.

18 Section 15. Sections 40-5-41 and 40-5-42, Code of  
19 Alabama 1975, are amended to read as follows:

20 "§40-5-41.

21 "When the object for which ~~such~~ special taxes were  
22 levied and collected ~~shall have~~ has been accomplished or for  
23 any other reason the ~~same~~ special taxes are no longer required  
24 for the purpose for which they were levied, the parties  
25 charged with the administration or application ~~thereof~~ of the  
26 taxes shall notify the ~~treasurer or, if there is no county~~  
27 ~~treasurer, the custodian of the funds of the county, who shall~~

1 ~~thereupon close the account of such taxes and transfer any~~  
2 ~~balance remaining to the account of the general fund of the~~  
3 county commission.

4 "§40-5-42.

5 "(a) In cases where there is no provision by law  
6 authorizing the collection of taxes by an action, ~~the taxes~~  
7 ~~due to the state or to any county, city, town, special school~~  
8 ~~district, or other special district may,~~ after the ~~same shall~~  
9 taxes have become delinquent, the taxes may be collected by  
10 the state or by any county, city, ~~or town~~ municipality, or the  
11 county or city board of education, or by an action in any  
12 court of competent jurisdiction.

13 "(b) In addition to the remedy here given to public  
14 agencies for the collection of taxes due them by an action,  
15 the tax ~~collector~~ collecting official of every county is  
16 authorized to sue in his or her own name and in the capacity  
17 of his or her office for the recovery of all taxes collectable  
18 by his or her office which are due ~~to any of the above~~  
19 ~~agencies or any other public agency for which the tax~~  
20 ~~collector is charged with the responsibility of collecting the~~  
21 ~~tax. Such~~ The county tax ~~collectors are also authorized to~~  
22 collecting officials may act in their own names and in the  
23 capacity of their office in any bankruptcy or other insolvency  
24 proceeding, or any other type of litigation or court  
25 proceedings ~~wherein~~ in which taxes due to any public agency  
26 which are collectable by ~~such~~ a tax ~~collector~~ collecting  
27 official may be recovered, and to take ~~such~~ any action in ~~such~~

1 the proceedings as may be appropriate or necessary for the  
2 collection of ~~such~~ the taxes due to any of ~~said~~ the public  
3 agencies."

4 Section 16. Section 40-5-43, Code of Alabama 1975,  
5 is repealed.

6 Section 17. Sections 40-5-44 and 40-5-45, Code of  
7 Alabama 1975, are amended to read as follows:

8 "§40-5-44.

9 ~~"(a) On or before July 1 in each year, the tax~~  
10 ~~collector must make final settlement, under oath, with the~~  
11 ~~Comptroller, of all matters pertaining to the office of tax~~  
12 ~~collector and pay over to the State Treasurer the balance~~  
13 ~~which may be found due from him or her for taxes with which he~~  
14 ~~or she is chargeable under the laws of the state, and at that~~  
15 ~~time the tax collector must also account to the Comptroller~~  
16 ~~and pay over to the proper governmental authorities and any~~  
17 ~~holder of a tax lien certificate issued pursuant to Acts 1995,~~  
18 ~~No. 95-408 all money received by the tax collector for the~~  
19 ~~sale of lands and other property which may have been sold for~~  
20 ~~payment of taxes and also account to the Comptroller for all~~  
21 ~~lands bought by the state. The tax collector must also report~~  
22 ~~under oath to the Comptroller and pay over to the State~~  
23 ~~Treasurer all escaped taxes assessed and collected. For~~  
24 ~~failure of any tax collector to make any of the settlements~~  
25 ~~herein required to be made by July 10 of each year, the tax~~  
26 ~~collector shall forfeit ten dollars (\$10) per day, which shall~~  
27 ~~be deducted from the amount of commissions due and payable to~~

1 ~~the tax collector on such settlements respectively; and it~~  
2 ~~shall be the duty of the Comptroller, or the county treasurer,~~  
3 ~~or the custodian of the county funds, as the case may be, to~~  
4 ~~withhold all commissions in cases where settlements are not~~  
5 ~~made by July 10 of each year.~~

6 ~~"(b) (1) On or before November 1 in each year, all~~  
7 ~~tax collectors, elected assistant tax collectors, revenue~~  
8 ~~commissioners, license commissioners, and probate judges~~  
9 ~~charged with collecting ad valorem taxes on motor vehicle tags~~  
10 ~~shall make final settlement, under oath, with the Comptroller~~  
11 ~~of all matters pertaining to the respective office's~~  
12 ~~collection of ad valorem taxes on motor vehicle tags.~~

13 ~~"(2) Failure of any official to make the settlement~~  
14 ~~required by this subsection by November 10 of each year shall~~  
15 ~~forfeit ten dollars (\$10) per day which shall be deducted from~~  
16 ~~the amount of commission due and payable to the official on~~  
17 ~~the settlement respectively. It shall be the duty of the~~  
18 ~~Comptroller, the county treasurer, or the custodian of the~~  
19 ~~county funds to withhold all commissions in cases where~~  
20 ~~settlements are not made by December 10 of each year.~~

21 ~~"(3) Final determinations shall be made in~~  
22 ~~accordance with rules adopted by the state Comptroller~~  
23 ~~regarding the format of the final settlement, the time frame~~  
24 ~~to be covered by the final settlement, and the date when final~~  
25 ~~settlement will be made with the state Comptroller's Office~~  
26 ~~and approved by the Chief Examiner of Public Accounts.~~

1           "(a) On or before July 1 of each year, each tax  
2 collecting official, under oath, shall make final settlement  
3 with the Comptroller and shall pay to the State Treasurer the  
4 balance which may be found due from charges from the abstract  
5 of taxes pursuant to Section 40-7-35. Final settlement shall  
6 be made in accordance with rules adopted by the state  
7 Comptroller.

8           "(b) Unless otherwise excepted by the Comptroller, a  
9 tax collecting official who fails to make settlement as  
10 provided in this section by the tenth day of July of each year  
11 shall be assessed a fine of 10 dollars (\$10) per day until the  
12 final settlement is made in accordance with this section. The  
13 fine shall be assessed in the official's personal capacity.

14           "§40-5-45.

15           "The tax ~~collector~~ collecting official shall receive  
16 the rate per mile allowed by law for state officers and  
17 employees, once each year, in going ~~to~~ and returning from the  
18 respective county seat of government for the purpose of making  
19 the final settlement provided for in Section 40-5-44, ~~the~~  
20 ~~distance to be the same as that established by law for the~~  
21 ~~members of the Legislature".~~

22           Section 18. Section 40-5-46, Code of Alabama 1975,  
23 is repealed.

24           Section 19. Section 40-5-48 is added to the Code of  
25 Alabama 1975, to read as follows:

26           §40-5-48.

1 (a) A tax collecting official who collects ad  
2 valorem tax on real property, in addition to the ad valorem  
3 tax on motor vehicles collected pursuant to Section 40-12-253,  
4 may disburse the collections with each semi-monthly report.

5 (b) A tax collecting official who has the  
6 responsibility to assess and collect the ad valorem tax on  
7 motor vehicles under Section 40-12-253 shall disburse all ad  
8 valorem tax collections as provided under Section 40-5-4  
9 during the same time period set out under Section 40-12-269.

10 (c) On or before November 1 of each year, all tax  
11 collecting officials, license commissioners, and probate  
12 judges charged with collecting ad valorem taxes on motor  
13 vehicle tags shall make final settlement, under oath, with the  
14 Comptroller in the same manner as provided for final  
15 settlements in subsection (a) of Section 40-5-44. Failure of  
16 any official to make the final settlement required by this  
17 subsection by November 10 of each year shall subject the  
18 official to the penalty provided under subsection (b) of  
19 Section 40-5-44.

20 (d) Manufactured home fees, commissions, or  
21 penalties charged and collected pursuant to Section 40-12-255  
22 shall be disbursed on or before the twentieth day of the  
23 following month.

24 Section 20. Although this bill would have as its  
25 purpose or effect the requirement of a new or increased  
26 expenditure of local funds, the bill is excluded from further  
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of  
2 the Constitution of Alabama of 1901, as amended, because the  
3 bill defines a new crime or amends the definition of an  
4 existing crime.

5 Section 21. This act shall become effective October  
6 1, 2021, following its passage and approval by the Governor,  
7 or its otherwise becoming law.