

IN THE SENATE

SENATE BILL NO. 1058

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-707A, IDAHO CODE, TO REMOVE CERTAIN REFERENCES TO BANK DRAFTS AND CHECKS, TO PROVIDE FOR ACCEPTANCE OF ADDITIONAL METHODS OF PERSONAL OR OTHER NONGUARANTEED FORMS OF PAYMENT RELATING TO ASSESSMENTS, TO PROVIDE FOR ENTRY OF THE ASSESSMENT NUMBER ON THE TRANSACTION RECEIPT, TO PROVIDE FOR CERTAIN RECEIPTS UPON REQUEST, TO PROVIDE FOR INVALIDITY OF A RECEIPT IF PAYMENT IS REFUSED BY A FINANCIAL INSTITUTION, TO REVISE PROVISIONS RELATING TO THE REDEMPTION OF FAILED PAYMENTS, TO PROVIDE FOR ADDITIONAL TRANSACTION, PROCESSING AND CONVENIENCE FEES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 43-707A, Idaho Code, be, and the same is hereby amended to read as follows:

43-707A. ACCEPTANCE OF ~~BANK DRAFTS OR CHECKS~~ PERSONAL OR OTHER NONGUARANTEED FORMS OF PAYMENT. (1) Notwithstanding any other provisions of title 43, Idaho Code, irrigation district treasurers may accept personal or other nonguaranteed forms of ~~bank~~ payment including, but not limited to, drafts, ~~or~~ checks, or credit or debit cards if:

(1a) ~~the~~ The remitter identifies by legal description or assessment number the parcel for which the payment is tendered.

(2b) ~~the~~ The amount for which the ~~draft or check~~ personal or other nonguaranteed form of payment is presented is the exact amount of the assessment due, including, where a delinquency exists and a tax deed has not been issued, penalties, interest and county redemption fees.

(2) The following procedures shall be followed in processing payments by ~~bank drafts or checks~~ personal or other nonguaranteed forms of payment:

(a) The assessment number of the identified parcel shall be entered on the ~~draft or check~~ transaction receipt.

(b) The treasurer shall, upon request, prepare the current tax receipt or redemption certificate or both, and deliver them to the remitter. Such receipts shall be invalid, and shall so state, if payment ~~of the draft or check~~ is refused by the bank, financial institution or other entity on which it is drawn. Any ~~drafts or checks~~ personal or other nonguaranteed forms of payment upon which payment ~~has been~~ is refused will be noted in the records of the treasurer and notice of nonpayment shall be delivered to the county recorder. The notation and notice of nonpayment shall be sufficient reversal of any entries made upon the books of the district treasurer and upon the lien records of the county recorder.

(c) Notice shall be sent to the remitter that payment has not been received, that the receipts and releases are therefore invalid and withdrawn, and that the ~~draft or check~~ failed payment can be redeemed by pay-

1 ment with United States currency or a guaranteed ~~bank~~ draft or money or-
2 der in the amount of the original ~~draft or check~~ payment plus the addi-
3 tional interest accrued, plus a repetition of the county filing fees,
4 and plus a handling charge not to exceed twenty-five dollars (\$25.00).

5 (d) Remitters choosing to pay assessments by personal or other nonguar-
6 anteed forms of payment may be responsible for any additional transac-
7 tion, processing or convenience fees incurred by the irrigation dis-
8 trict.

9 (23) Full compliance with the procedures enumerated in this section
10 shall exempt the treasurer from any personal liability for the acceptance of
11 ~~bank drafts or checks~~ personal or other nonguaranteed forms of payment.