

# YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 16-60

## Resolution to Increase Convenience Fee for Credit Card Payments

WHEREAS, pursuant to Section 7-6-617(3)(a) of the Montana Code Annotated, a county may charge a convenience fee of up to 3% on the payment to people who make payments with a credit card

WHEREAS, the Yellowstone County currently charges a 2.5% convenience fee for people who make payments with a credit card. The current fee does not cover the cost of the transaction. The County would like to increase the fee from 2.5% to 3%. The increase in the fee should cover the cost of the transaction.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners increases the convenience fee Yellowstone County charges people who make payments with a credit card from 2.5% to 3% effective as of May 11, 2016

Passed and Adopted on the 10<sup>th</sup> day of May 2016.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
Bill Kennedy, Chairman  
Yellowstone County Commissioner

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John Ostlund, Member  
Yellowstone County Commissioner

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James E. Reno, Member  
Yellowstone County Commissioner

Attest:

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Jeff Martin  
Yellowstone County Clerk and Recorder

**7-6-617. Payment of fees and taxes by credit card and other commercially acceptable means**

(1) A local government entity may accept payment by credit card, debit card, charge card, or other commercially acceptable means from a person making payment to the entity of taxes or fees that are legally authorized and imposed.

(2)(a) If the payment is made by credit card, debit card, charge card, or similar method, the tax or fee liability is not discharged and the person has not paid the tax or fee until the local government entity receives payment or credit from the institution responsible for making the payment or credit. Upon receipt of the payment or credit, the amount is considered paid on the date on which the charge was made by the person paying the tax or fee.

(b) Upon notice of nonpayment, the local government entity may charge the person who attempted the payment of the tax or fee an amount not to exceed the costs of processing the claim for payment of the tax or fee. The amount that the local government entity charges must be added to the tax or fee due and collected in the same manner as the tax or fee due.

**(3)(a) A person who makes payments to a local government entity as provided in this section may be required to pay a convenience fee of up to 3% of the amount of the payment.**

(b) The local government entity shall deposit the convenience fees collected in the appropriate fund.

(4)(a) The local government entity may negotiate and enter into agreements with and pay required fees to financial institutions or credit card companies as necessary to facilitate implementation of this section.

(b) A financial institution or credit card company may not prohibit collection of the convenience fee provided for in subsection (3).

(c) Fees paid to a financial institution or credit card company must be paid from an appropriate fund of the local government entity.

(5) A local government entity may enter into cooperative agreements with state agencies as necessary to carry out the provisions of this section.

**15-1-231. Payment of taxes by credit card and other commercially acceptable means**

(1) The department may accept payment of any tax that it administers, including penalties, interest, and fees, by credit card, debit card, or other commercially acceptable means.

(2)(a) If the payment is made by credit card, debit card, charge card, or similar method, the tax liability is not discharged and the person has not paid the tax until the department receives payment or credit from the financial institution or credit card company responsible for making the payment or credit and the payment or credit is not subsequently charged back to the state by the financial institution or credit card company. Upon receipt of the payment or credit, the amount is considered paid on the date on which the charge was made by the taxpayer, unless the payment or credit is subsequently charged back to the state by the financial institution or credit card company.

(b) Upon notice of nonpayment, the department may charge the person who attempted the payment of the tax a fee not to exceed the costs of processing the claim for payment of the tax. The amount of the fee must be added to the tax due and is collected in the same manner as the tax due.

(3) The taxpayer shall pay all fees required by a financial institution or credit card company for a payment made pursuant to this section.