

DEPARTMENT OF FINANCIAL

INSTITUTION'S FEES

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: David Clark

LONG TITLE

General Description:

This bill modifies the Financial Institutions Act to address fees.

Highlighted Provisions:

This bill:

- ▶ modifies fees charged by the Department of Financial Institutions; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

7-1-401, as last amended by Chapter 236, Laws of Utah 2003

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **7-1-401** is amended to read:

7-1-401. Fees payable to commissioner.

(1) Except for an out-of-state depository institution with a branch in Utah, a depository institution under the jurisdiction of the department shall pay an annual fee:



28 (a) computed by averaging the total assets of the depository institution shown on each
29 quarterly report of condition for the depository institution for the calendar year immediately
30 proceeding the date on which the annual fee is due under Section 7-1-402; and

31 (b) at the following rates:

32 (i) on the first \$5,000,000 of these assets, the greater of:

33 (A) 65 cents per \$1,000; or

34 (B) \$500;

35 (ii) on the next \$10,000,000 of these assets, [~~35~~] 36 cents per \$1,000;

36 (iii) on the next \$35,000,000 of these assets, [~~15~~] 17 cents per \$1,000;

37 (iv) on the next \$50,000,000 of these assets, [~~12~~] 14 cents per \$1,000;

38 (v) on the next \$200,000,000 of these assets, [~~10~~] 11 cents per \$1,000;

39 (vi) on the next \$300,000,000 of these assets, [~~6~~] 7 cents per \$1,000; and

40 (vii) on all amounts over \$600,000,000 of these assets, [~~2~~] 2.625 cents per \$1,000.

41 (2) A financial institution with a trust department shall pay a fee determined in
42 accordance with Subsection (7) for each examination of the trust department by a state
43 [~~examiners~~] examiner.

44 (3) Notwithstanding Subsection (1), a credit union in its first year of operation shall
45 pay a basic fee of \$25 instead of the fee required under Subsection (1).

46 (4) A trust company that is not a depository institution or a subsidiary of a depository
47 institution holding company shall pay:

48 (a) an annual fee of \$500; and

49 (b) an additional fee determined in accordance with Subsection (7) for each
50 examination by a state [~~examiners~~] examiner.

51 (5) Any person or institution under the jurisdiction of the department that does not pay
52 a fee under Subsections (1) through (4) shall pay:

53 (a) an annual fee of [~~\$100~~] \$200; and

54 (b) an additional fee determined in accordance with Subsection (7) for each
55 examination by a state [~~examiners~~] examiner.

56 (6) A person filing an application or request under Section 7-1-503, 7-1-702, 7-1-703,
57 7-1-704, 7-1-713, 7-5-3, or 7-18a-202 shall pay:

58 (a) a filing fee of [~~\$500~~] \$2,500; and

- 59 (b) all reasonable expenses incurred in processing the application.
- 60 (7) (a) Per diem assessments for an examination shall be calculated at the rate of [~~\$40~~
- 61 \$55 per hour:
- 62 (i) for each examiner; and
- 63 (ii) per hour worked.
- 64 (b) For an examination of a branch or office of a financial institution located outside of
- 65 this state, in addition to the per diem assessment under this Subsection (7), the institution shall
- 66 pay all reasonable travel, lodging, and other expenses incurred by each examiner while
- 67 conducting the examination.
- 68 (8) In addition to a fee under Subsection (5), a person registering under Section
- 69 7-23-103 or 7-24-201 shall pay an original registration fee of \$300.

Legislative Review Note
as of 12-27-05 3:34 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel