

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

27 Section 1. Section **10-1-203** is amended to read:

28 **10-1-203. License fees and taxes -- Application information to be transmitted to**  
 29 **the county assessor.**

30 (1) As used in this section:

31 (a) (i) "Business" means any enterprise carried on for the purpose of gain or economic  
 32 profit, except that the acts of employees rendering services to employers are not included in  
 33 this definition.

34 (ii) "Business" does not include a nonprofit corporation as defined in Section  
 35 16-6a-102.

36 (b) "Telecommunications provider" is as defined in Section 10-1-402.

37 (c) "Telecommunications tax or fee" is as defined in Section 10-1-402.

38 (2) Except as provided in Subsections (3) through (5) ~~and (7)~~ ~~H→~~ (b) ~~←H~~ , ~~H→~~ **and**  
 38a **subject to Subsection (7)(a), ←H** the legislative body of a  
 39 municipality may license for the purpose of regulation [~~and revenue~~] any business within the  
 40 limits of the municipality and may regulate that business by ordinance.

41 (3) (a) The legislative body of a municipality may raise revenue by levying and  
 42 collecting a municipal energy sales or use tax as provided in Part 3, Municipal Energy Sales  
 43 and Use Tax Act, except a municipality may not levy or collect a franchise tax or fee on an  
 44 energy supplier other than the municipal energy sales and use tax provided in Part 3, Municipal  
 45 Energy Sales and Use Tax Act.

46 (b) (i) Subsection (3)(a) does not affect the validity of a franchise agreement as defined  
 47 in Subsection 10-1-303(6), that is in effect on July 1, 1997, or a future franchise.

48 (ii) A franchise agreement as defined in Subsection 10-1-303(6) in effect on January 1,  
 49 1997, or a future franchise shall remain in full force and effect.

50 (c) A municipality that collects a contractual franchise fee pursuant to a franchise  
 51 agreement as defined in Subsection 10-1-303(6) with an energy supplier that is in effect on July  
 52 1, 1997, may continue to collect that fee as provided in Subsection 10-1-310(2).

53 (d) (i) Subject to the requirements of Subsection (3)(d)(ii), a franchise agreement as  
 54 defined in Subsection 10-1-303(6) between a municipality and an energy supplier may contain  
 55 a provision that:

56 (A) requires the energy supplier by agreement to pay a contractual franchise fee that is

119 purchaser from a business for which it provides an enhanced level of municipal services under  
 120 Subsection (5)(a)(i)(C)(II), the legislative body of the municipality shall adopt an ordinance  
 121 defining for purposes of the fee under Subsection (5)(a)(i)(C)(II):

122 (A) the level of municipal services that constitutes the basic level of municipal services  
 123 in the municipality; and

124 (B) the amounts that are reasonably related to the costs of providing an enhanced level  
 125 of municipal services in the municipality.

126 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(II) shall be reasonably related to  
 127 the costs of providing an enhanced level of the municipal services.

128 (6) All license fees and taxes shall be uniform in respect to the class upon which they  
 129 are imposed.

130 (7) ~~Ĥ→ [(a)] ←Ĥ~~ A municipality may ~~Ĥ→ [require a license or] not:~~

130a (a) ~~←Ĥ~~ charge a ~~Ĥ→ license ←Ĥ~~ fee for a home based business

131 ~~Ĥ→ [only if] unless ←Ĥ~~ the combined offsite impact of the home based business and the primary  
 131a residential use

132 materially exceeds the offsite impact of the primary residential use alone ~~Ĥ→ [:] ; or ←Ĥ~~

133 (b) ~~Ĥ→ [Notwithstanding Subsection (7)(a), a municipality may not] ←Ĥ~~ require a license  
 133a for a

134 home based business that is operated:

135 (i) occasionally; and

136 (ii) by an individual who is under 18 years of age.

137 ~~[(7)] (8)~~ The municipality shall transmit the information from each approved business  
 138 license application to the county assessor within 60 days following the approval of the  
 139 application.

140 ~~[(8)] (9)~~ If challenged in court, an ordinance enacted by a municipality before January  
 141 1, 1994, imposing a business license fee on rental dwellings under this section shall be upheld  
 142 unless the business license fee is found to impose an unreasonable burden on the fee payer.

143 Section 2. Section **17-53-216** is amended to read:

144 **17-53-216. Business license fees and taxes -- Application information to be**  
 145 **transmitted to the county assessor.**

146 (1) ~~[For the purpose of]~~ As used in this section~~[, "business"]:~~

147 (a) "Business" means any enterprise carried on for the purpose of gain or economic  
 148 profit, except that the acts of employees rendering services to employers are not included in  
 149 this definition.

150 (b) "Business" does not include a nonprofit corporation as defined in Section  
 151 16-6a-102.

152 (2) ~~[The]~~ Except as provided in Subsection (4) ~~Ĥ→ (b) ←Ĥ~~ , ~~Ĥ→~~ and subject to  
 152a Subsection (4)(a), ←Ĥ the legislative body of a county may by  
 153 ordinance provide for the licensing of businesses within the unincorporated areas of the county  
 154 for the purpose of regulation ~~[and revenue]~~.

155 (3) All license fees and taxes shall be uniform in respect to the class upon which they  
 156 are imposed.

157 (4) ~~Ĥ→ [(a)] ←Ĥ~~ A county may ~~Ĥ→ [require a license or]~~ not:  
 157a (a) ←Ĥ charge a Ĥ→ license ←Ĥ fee for a home based business Ĥ→ [only if] unless ←Ĥ  
 158 the combined offsite impact of the home based business and the primary residential use  
 159 materially exceeds the offsite impact of the primary residential use alone Ĥ→ [;] ; or ←Ĥ  
 160 (b) Ĥ→ [Notwithstanding Subsection (4)(a), a county may not] ←Ĥ require a license for a  
 160a home  
 161 based business that is operated:

162 (i) occasionally; and

163 (ii) by an individual who is under 18 years of age.

164 ~~[(4)]~~ (5) The county business licensing agency shall transmit the information from each  
 165 approved business license application to the county assessor within 60 days following the  
 166 approval of the application.

167 ~~[(5)]~~ (6) This section may not be construed to enhance, diminish, or otherwise alter the  
 168 taxing power of counties existing prior to the effective date of Laws of Utah 1988, Chapter  
 169 144.