

1 **Department of Commerce Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor:

LONG TITLE**General Description:**

This bill amends provisions relating to the Department of Commerce.

Highlighted Provisions:

This bill:

- ▶ creates the Department of Commerce Technology, Education, and Training Fund (fund);
- ▶ provides that the Department of Commerce (department) may maintain any portion of the fund in an interest bearing account;
- ▶ requires that the department deposit all interest earned on the fund into the fund;
- ▶ provides the sources of the funds that will comprise the fund;
- ▶ provides the permitted uses of the fund;
- ▶ requires the Division of Corporations and Commercial Code (division) sell or license bulk or subscription copies of records filed with the division;
- ▶ authorizes the division to charge a fee for a subscription or bulk data sale; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

13-1-2, as last amended by Laws of Utah 2023, Chapter 26

13-1a-6, as last amended by Laws of Utah 2010, Chapter 378

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

28 Section 1. Section **13-1-2** is amended to read:

29 **13-1-2 . Creation and functions of department -- Divisions created -- Fees --**

30 **Commerce Service Account.**

31 (1)(a) There is created the Department of Commerce.

32 (b) The department shall:

33 (i) execute and administer state laws regulating business activities and occupations
34 affecting the public interest; and

35 (ii) ensure that any training or certification required of a public official or public
36 employee, as those terms are defined in Section 63G-22-102, complies with Title
37 63G, Chapter 22, State Training and Certification Requirements, if the training or
38 certification is required:

39 (A) under this title;

40 (B) by the department; or

41 (C) by an agency or division within the department.

42 (2) Within the department the following divisions are created:

43 (a) the Division of Professional Licensing;

44 (b) the Division of Real Estate;

45 (c) the Division of Securities;

46 (d) the Division of Public Utilities;

47 (e) the Division of Consumer Protection; and

48 (f) the Division of Corporations and Commercial Code.

49 (3)(a) Unless otherwise provided by statute, the department may adopt a schedule of fees
50 assessed for services [provided by] the department provides by following the
51 procedures and requirements of Section 63J-1-504.

52 (b) The department shall submit each fee established in this manner to the Legislature
53 for the Legislature's approval as part of the department's annual appropriations
54 request.

55 (c)(i) There is created a restricted account within the General Fund known as the
56 "Commerce Service Account."

57 (ii) The restricted account created in Subsection (3)(c)(i) consists of fees [collected by]
58 that each division and [by] the department collect.

59 (iii) The undesignated account balance may not exceed \$1,000,000 at the end of each
60 fiscal year.

61 (iv) At the end of each fiscal year, the director of the Division of Finance shall
62 transfer into the General Fund any undesignated funds in the account that exceed
63 the amount necessary to maintain the undesignated account balance at \$1,000,000.

64 (d) The department may not charge or collect a fee or expend money from the restricted

65 account without approval by the Legislature.

66 (4)(a) As used in this Subsection (4):

67 (i) "Business entity" means a sole proprietorship, partnership, limited partnership,
68 limited liability company, corporation, or other entity or association used to carry
69 on a business for profit.

70 (ii) "Fund" means the Single Sign-On Expendable Special Revenue Fund, created in
71 Subsection (4)(c).

72 (iii) "Renewal fee" means a fee that the Division of Corporations and Commercial
73 Code, established in Section 13-1a-1, is authorized or required to charge a
74 business entity in connection with the business entity's periodic renewal of the
75 business entity's status with the Division of Corporations and Commercial Code.

76 (iv) "Single sign-on fee" means a fee described in Subsection (4)(b) to pay for the
77 establishment and maintenance of the single sign-on business portal.

78 (v) "Single sign-on business portal" means the same as that term is defined in Section
79 63A-16-802.

80 (b)(i) The schedule of fees adopted by the department under Subsection (3) shall
81 include a single sign-on fee, not to exceed \$5, as part of a renewal fee.

82 (ii) The department shall deposit all single sign-on fee revenue into the fund.

83 (c)(i) There is created the Single Sign-On Expendable Special Revenue Fund.

84 (ii) The fund consists of:

85 (A) money that the department collects from the single sign-on fee; and
86 (B) money that the Legislature appropriates to the fund.

87 (iii)(A) The department may maintain any portion of the fund in an interest
88 bearing account.

89 (B) The department shall deposit all interest earned on the fund into the fund.

90 (d) The department shall use the money in the fund to pay for costs:

91 (i) to design, create, operate, and maintain the single sign-on business portal; and
92 (ii) incurred by:

93 (A) the Department of Technology Services, created in Section 63A-16-103; or
94 (B) a third-party vendor working under a contract with the Department of
95 Technology Services.

96 (e) The department shall report on fund revenues and expenditures to the Public
97 Utilities, Energy, and Technology Interim Committee of the Legislature annually and
98 at any other time requested by the committee.

99 (5)(a) As used in this Subsection (5), "fund" means the Department of Commerce
100 Technology, Education, and Training Fund created in Subsection (5)(b).

101 (b) There is created the Department of Commerce Technology, Education, and Training
102 Fund.

103 (c)(i) The department may maintain any portion of the fund in an interest bearing
104 account.

105 (ii) The department shall deposit all interest earned on the fund into the fund.

106 (d) The fund consists of:

107 (i) fees the Division of Corporations and Commercial Code collects under
108 Subsections 13-1a-6(4) and 70A-9a-523(6); and

109 (ii) fees the Division of Professional Licensing collects for making lists of licensees
110 public under Subsection 58-1-106(1)(k).

111 (e) The department shall use the money in the fund to:

112 (i) pay each cost the department incurs in providing a subscription service and data to
113 a requester;

114 (ii) provide public education that covers professional licensing, business entities,
115 commercial code filings, and trademarks;

116 (iii) publish brochures, laws, policy statements, or other material relevant to the
117 department's work;

118 (iv) purchase equipment for employees of the Division of Corporation and
119 Commercial Code;

120 (v) train employees of the Division of Corporation and Commercial Code;

121 (vi) employ temporary staff; and

122 (vii) fund purchases of technology and technology maintenance used in business
123 registrations, licensing, and commercial filings.

124 [(5)] (6)(a) As used in this Subsection [(5)] (6):

125 (i) "Costs of electronic payments" means:

126 (A) [any] a charge, discount fee, or processing fee that a credit card company or
127 processing agent charges to process an electronic payment; or

128 (B) the costs associated with the purchase of equipment necessary for processing
129 electronic payments.

130 (ii) "Electronic payment" means [any] a form of payment processed through
131 electronic means, including a credit card, debit card, or automatic clearinghouse
132 transaction.

- (iii) "Electronic payment fee" means the fee the department adopts in accordance with this Subsection [§5] (6) to defray the costs of electronic payments.
- (b) As part of the schedule of fees described in Subsection (3)(a), the department shall establish an electronic payment fee.
- (c) The department:
 - (i) may collect an electronic payment fee from [each] a person who applies for or renews a license or registration [issued by] that the department or a division of the department issues; and
 - (ii) shall deposit into the Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17 each electronic payment fee the department collects.
- (d) The electronic payment fee described in this Subsection [§5] (6) is not subject to Subsection 63J-1-105(3) or (4).
- (e)(i) If the department imposes an electronic payment fee, the department shall collect the electronic payment fee from each person described in Subsection [§5(e)(i)] (6)(c)(i) regardless of whether the person makes an electronic payment.
- (ii) The department is not required to separately identify an electronic payment charged to a person described in Subsection [§5(e)(i)] (6)(c)(i).

Section 2. Section **13-1a-6** is amended to read:

13-1a-6 . Powers of Division of Corporations and Commercial Code -- Document tion.

- (1) The Division of Corporations and Commercial Code shall have the power and authority reasonably necessary to enable [it] the division to efficiently administer the laws and rules for which [it] the division is responsible and to perform the duties imposed upon [it] the division by law.
- (2) The division has authority under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make rules and procedures for the processing, retention, and disposal of filed documents to efficiently utilize electronic and computerized document image storage and retrieval.
- (3) Notwithstanding the provisions of Section 63A-12-105, original documents filed in the division offices may not be considered property of the state if the division retains electronic image reproductions ~~[thereof which]~~ of the original documents that comply with the provisions of Title 63G, Chapter 2, Government Records Access and Management Act~~[, are retained by the division]~~.
- (4)(a) The division shall offer to sell or license to the public on a nonexclusive basis, in

167 bulk or through subscription, copies of each filed record in every medium available
168 to the filing office.

169 (b) The division may charge a fee for subscription data services and bulk data sales in
170 accordance with Section 63J-1-504.

171 **Section 3. Effective Date.**

172 This bill takes effect on May 6, 2026.