

**13-1-2 Creation and functions of department -- Divisions created -- Fees -- Commerce Service Account.**

- (1)
  - (a) There is created the Department of Commerce.
  - (b) The department shall execute and administer state laws regulating business activities and occupations affecting the public interest.
- (2) Within the department the following divisions are created:
  - (a) the Division of Occupational and Professional Licensing;
  - (b) the Division of Real Estate;
  - (c) the Division of Securities;
  - (d) the Division of Public Utilities;
  - (e) the Division of Consumer Protection; and
  - (f) the Division of Corporations and Commercial Code.
- (3)
  - (a) Unless otherwise provided by statute, the department may adopt a schedule of fees assessed for services provided by the department by following the procedures and requirements of Section 63J-1-504.
  - (b) The department shall submit each fee established in this manner to the Legislature for its approval as part of the department's annual appropriations request.
  - (c)
    - (i) There is created a restricted account within the General Fund known as the "Commerce Service Account."
    - (ii) The restricted account created in Subsection (3)(c)(i) consists of fees collected by each division and by the department.
    - (iii) At the end of each fiscal year, the director of the Division of Finance shall transfer into the General Fund any fee collections that are greater than the legislative appropriations from the Commerce Service Account for that year.
  - (d) The department may not charge or collect a fee or expend money from the restricted account without approval by the Legislature.

Amended by Chapter 278, 2010 General Session