Superseded 5/6/2026

13-42-123 Fees and other charges.

(1) A provider may not impose directly or indirectly a fee or other charge on an individual or receive money from or on behalf of an individual for debt-management services except as permitted by this section.

(2) A provider may not impose charges or receive payment for debt-management services until the provider and the individual have signed an agreement that complies with Sections 13-42-119 and 13-42-128.

(3) If an individual assents to an agreement, a provider may not impose a fee or other charge for educational, counseling, or similar services, except as otherwise provided in this section and Subsection 13-42-128(4). The administrator may authorize a provider to charge a fee based on the nature and extent of the services furnished by the provider.

(4)

(a) Subsections (4)(b) through (d) are subject to adjustment of dollar amounts pursuant to Subsection 13-42-132(6).

(b) If an individual assents to a plan that contemplates that creditors will reduce finance charges or fees for late payment, default, or delinquency, the provider may charge:

(i) a fee not exceeding $50 for consultation, obtaining a credit report, setting up an account, and the like; and

(ii) a monthly service fee, not to exceed $10 times the number of accounts remaining in a plan at the time the fee is assessed, but not more than $50 in any month.

(c) If an individual assents to an agreement that contemplates that creditors will settle debts for less than the principal amount of the debt, a provider may not request or receive payment of any fee or consideration for the provider's service unless:

(i) the provider has renegotiated, settled, reduced, or otherwise altered the terms of at least one debt under an agreement executed by the individual;

(ii) the individual has made at least one payment pursuant to that agreement between the individual and the creditor or debt collector; and

(iii) the fee or consideration for any individual debt that is renegotiated, settled, reduced, or otherwise altered:

(A) bears the same proportion to the total fee for renegotiating, settling, reducing, or altering the terms of the entire debt as the individual debt amount at the time the debt was enrolled in the service bears to the entire debt amount at the time the debt was enrolled in the service; or

(B) is a percentage of the amount saved as a result of the renegotiation, settlement, reduction, or alteration, as calculated under Subsection (4)(e), which percentage may not change from one individual debt to another.

(d) Except as otherwise provided in Subsection 13-42-128(4), if an individual does not assent to an agreement, a provider may receive for educational and counseling services it provides to the individual a fee not exceeding $100 or, with the approval of the administrator, a larger fee. The administrator may approve a fee larger than $100 if the nature and extent of the educational and counseling services warrant the larger fee.

(e) For purposes of Subsection (4)(c)(iii)(B), the amount saved is calculated as the difference between the amount owed at the time the debt is enrolled in the service and the amount actually paid to satisfy the debt.

(5) If, before the expiration of 90 days after the completion or termination of educational or counseling services, an individual assents to an agreement, the provider shall refund to the individual any fee paid pursuant to Subsection (4)(d).

(6) Except as otherwise provided in Subsections (3) and (4), if an agreement contemplates that creditors will settle an individual's debts for less than the principal amount of the debt:
(a) compensation for services in connection with settling a debt shall be reasonable and clearly disclosed in the agreement; and
(b) a fee for settling a debt may be collected only as the debt is settled.
(7) Subject to adjustment of the dollar amount pursuant to Subsection 13-42-132(6), if a payment to a provider by an individual under this chapter is dishonored, a provider may impose a reasonable charge on the individual, not to exceed the lesser of $25 and the amount permitted by law other than this chapter.