

30 None

31 **Other Special Clauses:**

32 This bill takes effect on July 1, 2007.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **41-1a-1221**, as enacted by Chapter 212, Laws of Utah 2003

36 **41-3-602**, as renumbered and amended by Chapter 234, Laws of Utah 1992

37 **41-3-604**, as enacted by Chapter 147, Laws of Utah 2004

38 **41-22-36**, as enacted by Chapter 212, Laws of Utah 2003

39 **73-18-25**, as enacted by Chapter 212, Laws of Utah 2003

40 ENACTS:

41 **59-1-305**, Utah Code Annotated 1953



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

44 Section 1. Section **41-1a-1221** is amended to read:

45 **41-1a-1221. Fees to cover the cost of electronic payments.**

46 (1) As used in this section:

47 (a) "Electronic payment" means use of any form of payment processed through
48 electronic means, including credit cards, debit cards, and automatic clearinghouse transactions.

49 (b) "Electronic payment fee" means the fee assessed to defray:

50 (i) the charge, discount fee, or processing fee charged by credit card companies or
51 processing agents to process an electronic payment; or

52 (ii) costs associated with the purchase of equipment necessary for processing electronic
53 payments.

54 (2) (a) ~~[In accordance with Section 63-38a-105, the Division of Motor Vehicles]~~ The
55 Motor Vehicle Division may collect an electronic payment fee on all registrations and renewals
56 of registration under Subsections 41-1a-1206(1)(a), ~~[41-1a-1206]~~ (1)(b), and ~~[41-1a-1206]~~ (2).

57 (b) The fee described in Subsection (2)(a):

58 (i) shall be imposed regardless of the method of payment for a particular transaction;
59 and

60 (ii) need not be separately identified from the fees imposed for registration and
61 renewals of registration under Subsections 41-1a-1206(1)(a), (1)(b), and (2).

62 [~~2~~] (3) The division shall establish the fee according to the procedures and
63 requirements of Section 63-38-3.2.

64 (4) A fee imposed under this section:

65 (a) shall be used by the division as a dedicated credit to cover the costs of electronic
66 payments;

67 (b) is nonlapsing; and

68 (c) is not subject to Subsection 63-38a-104(2).

69 Section 2. Section **41-3-602** is amended to read:

70 **41-3-602. Disposition of fees and penalties.**

71 [AH] Except as provided in Sections 41-3-603 and 41-3-604, all fees and penalties
72 collected under this chapter shall be paid to the state treasurer who shall deposit them in the
73 General Fund.

74 Section 3. Section **41-3-604** is amended to read:

75 **41-3-604. Fee to cover the cost of electronic payments.**

76 (1) As used in this section:

77 (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

78 (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

79 (2) (a) [~~In accordance with Section 63-38a-105, the~~] The division may collect a fee to
80 cover the cost of electronic payments on the following transactions:

81 (i) each purchase or renewal of a license under Section 41-3-202;

82 [~~(a)~~] (ii) each purchase of a book of temporary permits under Section 41-3-302;

83 [~~(b)~~] (iii) each penalty issued for a delinquent temporary permit under Section
84 41-3-302; [and]

85 (iv) each purchase of an in-transit permit under Section 41-3-305;

- 86 (v) each purchase of a loaded demonstration permit under Section 41-3-502;
- 87 (vi) each purchase of a license plate under Section 41-3-503; and
- 88 ~~[(c)]~~ (vii) each purchase of a salvage vehicle buyer license under Section 41-3-202.

89 (b) The fee described in Subsection (2)(a):
 90 (i) shall be imposed regardless of the method of payment for a particular transaction;

91 and

92 (ii) need not be separately identified from the fees and penalty described in Subsections
 93 (2)(a)(i) through (vii).

94 ~~[(2)]~~ (3) The division shall establish the fee under Subsection (2)(a) according to the
 95 procedures and requirements of Section 63-38-3.2.

96 (4) A fee imposed under this section:

97 (a) shall be used by the division as a dedicated credit to cover the costs of electronic
 98 payments;

99 (b) is nonlapsing; and

100 (c) is not subject to Subsection 63-38a-104(2).

101 Section 4. Section **41-22-36** is amended to read:

102 **41-22-36. Fees to cover the costs of electronic payments.**

103 (1) As used in this section:

104 (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

105 (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

106 (2) (a) [~~In accordance with Section 63-38a-105, the Division of Motor Vehicles]~~ The
 107 Motor Vehicle Division may collect an electronic payment fee on all registrations and renewals
 108 of registration under Section 41-22-8.

109 (b) The fee described in Subsection (2)(a) shall be imposed regardless of the method of
 110 payment for a particular transaction.

111 ~~[(2)]~~ (3) The division shall establish the fee according to the procedures and
 112 requirements of Section 63-38-3.2.

113 (4) A fee imposed under this section:

114 (a) shall be used by the Motor Vehicle Division as a dedicated credit to cover the costs
115 of electronic payments;
116 (b) is nonlapsing;
117 (c) is not subject to Subsection 63-38a-104(2); and
118 (d) need not be separately identified from the fees imposed on registrations and
119 renewals of registration under Section 41-22-8.

120 Section 5. Section **59-1-305** is enacted to read:

121 **59-1-305. Convenience fee to cover the costs of electronic payments.**

122 (1) As used in this section:

123 (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

124 (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

125 (2) The commission may collect a convenience electronic payment fee established in
126 accordance with the procedures and requirements of Section 63-38-3.2 to cover the costs of
127 electronic payments of taxes and fees administered by the commission.

128 (3) Notwithstanding any other provisions of this title, the commission shall use a fee
129 imposed under this section as a dedicated credit to cover the costs of electronic payments.

130 Section 6. Section **73-18-25** is amended to read:

131 **73-18-25. Fees to cover the costs of electronic payments.**

132 (1) As used in this section:

133 (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

134 (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

135 (2) (a) [~~In accordance with Section 63-38a-105, the Division of Motor Vehicles]~~ The
136 Motor Vehicle Division may collect an electronic payment fee on all registrations and renewals
137 of registration under Section 73-18-7.

138 (b) The fee described under Subsection (2)(a) shall be imposed regardless of the
139 method of payment for a particular transaction.

140 [~~(2)~~] (3) The [~~division~~] Motor Vehicle Division shall establish the fee according to the
141 procedures and requirements of Section 63-38-3.2.

142 (4) A fee imposed under this section:
143 (a) shall be used by the Motor Vehicle Division as a dedicated credit to cover the costs
144 of electronic payments;
145 (b) is nonlapsing;
146 (c) is not subject to Subsection 63-38a-104(2); and
147 (d) need not be separately identified from the fees imposed on registrations and
148 renewals of registration under Section 73-18-7.
149 Section 7. **Effective date.**
150 This bill takes effect on July 1, 2007.