

**FEES TO COVER COST OF ELECTRONIC
PAYMENTS**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: John Dougall

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code, the Revenue and Taxation Code, and the State Boating Act by amending certain fee provisions.

Highlighted Provisions:

This bill:

- ▶ authorizes the Motor Vehicle Division to impose a fee on certain motor vehicle, off-highway vehicle, and boat registrations and renewals of registration to cover the costs of electronic payments;
- ▶ authorizes the Motor Vehicle Enforcement Division to impose a fee on certain motor vehicle business transactions to cover the costs of electronic payments;
- ▶ provides that the fees authorized:
 - shall be imposed regardless of the method of payment;
 - need not be separately identified; and
 - shall be used as nonlapsing dedicated credits;
- ▶ authorizes the State Tax Commission to charge convenience fees to cover the costs of electronic payments of taxes and fees administered by the commission and provides that the fees shall be used as dedicated credits by the commission; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 This bill takes effect on July 1, 2007.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **41-1a-1221**, as enacted by Chapter 212, Laws of Utah 2003

34 **41-3-602**, as renumbered and amended by Chapter 234, Laws of Utah 1992

35 **41-3-604**, as enacted by Chapter 147, Laws of Utah 2004

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

37 **73-18-25**, as enacted by Chapter 212, Laws of Utah 2003

38 ENACTS:

39 **59-1-305**, Utah Code Annotated 1953



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

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

43 **41-1a-1221. Fees to cover the cost of electronic payments.**

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

47 (b) The fee described in Subsection (1)(a):

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

49 and

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

52 (2) The division shall establish the fee according to the procedures and requirements of
53 Section 63-38-3.2.

54 (3) A fee imposed under this section:

55 (a) shall be used by the division as a dedicated credit;

56 (b) is nonlapsing; and

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

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

59 **41-3-602. Disposition of fees and penalties.**

60 [~~Alt~~] Except as provided in Sections 41-3-603 and 41-3-604, all fees and penalties
 61 collected under this chapter shall be paid to the state treasurer who shall deposit them in the
 62 General Fund.

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

64 **41-3-604. Fee to cover the cost of electronic payments.**

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

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

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

69 [~~(b)~~] (iii) each penalty issued for a delinquent temporary permit under Section
 70 41-3-302; [~~and~~]

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

72 (v) each purchase of a loaded demonstration permit under Section 41-3-502;

73 (vi) each purchase of a license plate under Section 41-3-503; and

74 [~~(e)~~] (vii) each purchase of a salvage vehicle buyer license under Section 41-3-202.

75 (b) The fee described in Subsection (1)(a):

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

77 and

78 (ii) need not be separately identified from the fees and penalty described in Subsections

79 (1)(a)(i) through (vii).

80 (2) The division shall establish the fee under Subsection (1)(a) according to the
 81 procedures and requirements of Section 63-38-3.2.

82 (3) A fee imposed under this section:

83 (a) shall be used by the division as a dedicated credit;

84 (b) is nonlapsing; and

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

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

87 **41-22-36. Fees to cover the costs of electronic payments.**

88 (1) (a) [~~In accordance with Section 63-38a-105, the Division of Motor Vehicles~~] The

89 Motor Vehicle Division may collect an electronic payment fee on all registrations and renewals

90 of registration under Section 41-22-8.

91 (b) The fee described in Subsection (1)(a) shall be imposed regardless of the method of
92 payment for a particular transaction.

93 (2) The division shall establish the fee according to the procedures and requirements of
94 Section 63-38-3.2.

95 (3) A fee imposed under this section:

96 (a) shall be used by the Motor Vehicle Division as a dedicated credit;

97 (b) is nonlapsing;

98 (c) is not subject to Subsection 63-38a-104(2); and

99 (d) need not be separately identified from the fees imposed on registrations and
100 renewals of registration under Section 41-22-8.

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

102 **59-1-305. Convenience fee to cover the costs of electronic payments.**

103 (1) The commission may collect a convenience fee established in accordance with the
104 procedures and requirements of Section 63-38-3.2 to cover the costs of electronic payments of
105 taxes and fees administered by the commission.

106 (2) Notwithstanding any other provisions of this title, the commission shall use a fee
107 imposed under this section as a dedicated credit.

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

109 **73-18-25. Fees to cover the costs of electronic payments.**

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

113 (b) The fee described under Subsection (1)(a) shall be imposed regardless of the
114 method of payment for a particular transaction.

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

117 (3) A fee imposed under this section:

118 (a) shall be used by the Motor Vehicle Division as a dedicated credit;

119 (b) is nonlapsing;

120 (c) is not subject to Subsection 63-38a-104(2); and

121 (d) need not be separately identified from the fees imposed on registrations and
122 renewals of registration under Section 73-18-7.
123 Section 7. **Effective date.**
124 This bill takes effect on July 1, 2007.

Legislative Review Note
as of 1-25-07 9:14 AM

Office of Legislative Research and General Counsel