

679 assent to an agreement, a provider may receive for educational and counseling services it  
 680 provides to the individual a fee not exceeding \$100 or, with the approval of the administrator, a  
 681 larger fee. The administrator may approve a fee larger than \$100 if the nature and extent of the  
 682 educational and counseling services warrant the larger fee.

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

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

689 (6) ~~H→ [(a)] ←H~~ Except as otherwise provided in Subsections (3) and (4), if an agreement  
 690 contemplates that creditors will settle an individual's debts for less than the principal amount of  
 691 the debt ~~H→ [;] :~~

691a (a) ←H compensation for services in connection with settling a debt H→ [may not exceed  
 691b one of  
 692 the following applicable settlement fee limits in Subsection (6)(b) or (c), the terms of which  
 693 shall be clearly disclosed in the agreement.] shall be reasonable and clearly disclosed in the  
 693a agreement; and

693b (b) a fee for settling a debt may be collected only as the debt is settled.

694 ~~[(b) (i) With respect to agreements where a flat settlement fee is charged based on the~~  
 695 ~~overall amount of included debt, total aggregate fees charged may not exceed 17% of the~~  
 696 ~~principal amount of debt included in the agreement[, including any fees charged under~~  
 697 ~~Subsections (4)(b)(i) and (ii)].~~

698 ~~—— (ii) The flat settlement fee authorized under this Subsection (6)(b) [shall be assessed in~~  
 699 ~~equal monthly payments over no less than half of the length of the plan, as estimated at the~~  
 700 ~~plan's inception, unless:] may be collected only upon the settlement of all debt included in the~~  
 701 ~~settlement fee agreement.~~

702 ~~—— [(A) payment is voluntarily accelerated by the individual in a separate record; and]~~

703 ~~—— [(B) at least half of the principal amount of overall debt included in the agreement at its~~  
 704 ~~inception has been settled.]~~

705 ~~—— (c) (i) With respect to agreements where fees are calculated as a percentage of the~~  
 706 ~~amount saved by an individual, a settlement fee may not exceed 30% of the excess of the~~  
 707 ~~outstanding amount of each debt over the amount actually paid to the creditor, as calculated at~~  
 708 ~~the time of settlement.~~

709 ~~—— (ii) Settlement fees authorized under this Subsection (6)(c):~~

710 ~~—— (A) may be collected only as debts are settled; and~~

711 ~~—— (B) the total aggregate amount of fees charged to any individual under this chapter[,]~~  
 712 ~~including fees charged under Subsections (4)(b)(i) and (ii),] may not exceed 20% of the~~  
 713 ~~principal amount of debt included in the agreement at the agreement's inception.~~

714 ~~—— (d) A provider may not impose or receive fees under both Subsections (6)(b) and (c).] ←H~~

715 (7) Subject to adjustment of the dollar amount pursuant to Subsection 13-42-132(6), if  
 716 a payment to a provider by an individual under this chapter is dishonored, a provider may  
 717 impose a reasonable charge on the individual, not to exceed the lesser of \$25 and the amount  
 718 permitted by law other than this chapter.

719 Section 10. Section **13-42-126** is amended to read:

720 **13-42-126. Termination of agreements.**

721 (1) If an individual who has entered into an agreement fails for 60 days to make  
 722 payments required by the agreement, a provider may terminate the agreement.

723 (2) If a provider or an individual terminates an agreement, the provider shall  
 724 immediately return to the individual:

725 (a) any money of the individual held in trust for the benefit of the individual, including  
 726 any accrued interest; and

727 (b) 65% of any [~~portion of the~~] remaining set-up fee [~~received pursuant to Subsection~~  
 728 ~~13-42-123(4)(b) which~~] that has not been credited against settlement fees.

729 Section 11. Section **13-42-128** is amended to read:

730 **13-42-128. Prohibited acts and practices.**

731 (1) A provider may not, directly or indirectly:

732 (a) misappropriate or misapply money held in trust;

733 (b) settle a debt on behalf of an individual for more than 50% of the principal amount  
 734 of the debt owed a creditor, unless the individual assents to the settlement after the creditor has  
 735 assented;

736 (c) take a power of attorney that authorizes it to settle a debt, unless the power of  
 737 attorney expressly limits the provider's authority to settle debts for not more than 50% of the  
 738 principal amount of the debt owed a creditor;

739 (d) exercise or attempt to exercise a power of attorney after an individual has  
 740 terminated an agreement;