

## HB0456S02 compared with HB0456S01

~~{deleted text}~~ shows text that was in HB0456S01 but was deleted in HB0456S02.

inserted text shows text that was not in HB0456S01 but was inserted into HB0456S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Representative Jordan D. Teuscher}~~Senator Kirk A. Cullimore proposes the following substitute bill:

### DIGITAL USER ASSET PAYMENT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

Senate Sponsor: ~~{~~Kirk A. Cullimore

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#### LONG TITLE

##### General Description:

This bill makes provisions related to the use of digital user assets to ~~{pay taxes}~~make payments to ~~{the State Tax Commission}~~participating government agencies and political subdivisions.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;~~{and}~~
- ▶ requires the Division of Finance to contract with a third party to accept ~~{payment of taxes to the State Tax Commission in digital user assets}~~payments to participating government agencies in the form of digital assets;
- ▶ authorizes the Division of Finance to contract with a third party to accept payments

## HB0456S02 compared with HB0456S01

to political subdivisions in the form of digital assets;

- ▶ gives the division rulemaking authority to determine standards a third party must meet to provide the payment service; and
- ▶ describes the assignment of liability with respect to aspects of providing this payment service.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

ENACTS:

63A-3-112, Utah Code Annotated 1953

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

Section 1. Section 63A-3-112 is enacted to read:

#### **63A-3-112. Digital user asset collection.**

(1) As used in this section:

(a) "Agency" means a state government entity that receives payments for services or fees and is eligible to enter into a contract for payment services with the division.

(b) "Agency payment" means a payment that is due directly to an agency and that the agency collects either directly or through a third-party payment processor with whom the division has a contract.

(~~f~~~~a~~~~c~~) "Digital asset" means a representation of economic, proprietary, or access rights that is stored in a computer readable format.

(~~f~~~~b~~~~d~~) "Digital security" means a digital asset which constitutes a security, as that term is defined in Section 70A-8-101.

(~~f~~~~c~~~~e~~) (i) "Digital user asset" means a digital asset that is used or bought primarily for consumptive, personal, or household purposes.

(ii) "Digital user asset" includes an open blockchain token.

(iii) "Digital user asset" does not include a digital security.

(f) "Participating agency" means an agency that:

## HB0456S02 compared with HB0456S01

(i) meets the division's requirements to accept payments made through a service provider with whom the division has a contract; or

(ii) is the State Tax Commission.

(g) "Political subdivision" means the same as that term is defined in Section 63G-7-102.

(h) "Political subdivision payment" means a payment that is due directly to a political subdivision and that the political subdivision collects either directly or through a third-party payment processor with whom the political subdivision has a contract.

(~~f~~~~d~~~~i~~) "Service provider" means a person with demonstrated experience exchanging digital user assets for legal tender.

~~{~~ (e) "Tax payment" means a payment for taxes that is paid directly to and is collected by the State Tax Commission.

~~}~~ (2) The division shall contract with a service provider to ~~f~~

~~—~~ (a) ~~f~~ provide a service to ~~{collect}~~ process an agency payment for a ~~{tax}~~ participating agency by:

(a) taking the payment in the form of a digital user asset; and

(b) ~~fconvert}~~ converting the digital asset into legal tender to pay the ~~{tax}~~ agency payment.

(3) (a) When contracting with a service provider to provide the service described in Subsection (2), the division has discretion to choose a service provider that can only provide the exchange service for a limited class or type of digital user asset.

(b) The division may contract with more than one service provider to provide the service described in Subsection (2).

(~~f~~~~b~~~~c~~) Nothing in this section shall be interpreted to require the division to provide the service described in Subsection (2) for all types of digital user assets.

(4) ~~{~~ The division shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to establish standards that a person must meet to be eligible to enter into a contract as a (a) The person paying the agency payment bears responsibility for any costs the service provider charges for the service provider's service.

(~~f~~~~5~~~~b~~) The ~~{State Tax Commission}~~ division may collect a ~~f convenience digital user asset payment}~~ fee established in accordance with the procedures and requirements of Section

## HB0456S02 compared with HB0456S01

63J-1-504 to cover the costs to the ~~{State Tax Commission}~~ division of ~~{administering the collection}~~ providing the service described in Subsection (2).

(5) The division shall contract to provide the service described in Subsection (2) on or before January 1, 2023.

(6) The division shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to:

(a) establish standards that a person must meet to be eligible to enter into a contract as a service provider; and

(b) establish requirements an agency must meet to be a participating agency.

(7) A political subdivision may enter into an agreement with the division for the division to contract with a service provider to, on behalf of the political subdivision:

(a) provide a service to collect a political subdivision payment in the form of a digital user asset; ~~tax payment.~~

~~\_\_\_\_\_ (6); and~~

(b) convert the digital asset into legal tender to pay the political subdivision payment.

(8) Nothing in this section shall be interpreted to impose liability upon the ~~{taxpayer or} person paying the {State Tax Commission} agency payment or a participating agency for a change in value of the digital user asset after the moment of payment to the service provider.~~

Section 2. **Effective date.**

This bill takes effect on July 1, 2022.