

DEPARTMENT OF COMMERCE ELECTRONIC PAYMENT

FEES

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Curtis S. Bramble

LONG TITLE

Committee Note:

The Business and Labor Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 6 absent

General Description:

This bill amends provisions related to revenue collected by the Department of Commerce.

Highlighted Provisions:

This bill:

▶ allows the Department of Commerce (department) to collect a fee to defray the costs of electronic payments;

▶ creates the Commerce Electronic Payment Fee Restricted Account (restricted account);

▶ requires the department to deposit electronic payment fees into the restricted account; and

▶ provides that appropriations from the restricted account are nonlapsing.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **13-1-2**, last amended by Laws of Utah 2022, Chapter 415

31 **63J-1-602.1**, last amended by Laws of Utah 2022, Chapters 48, 191, 255, 335, 415, and

32 451

33 ENACTS:

34 **13-1-17**, Utah Code Annotated 1953



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

37 Section 1. Section **13-1-2** is amended to read:

38 **13-1-2. Creation and functions of department -- Divisions created -- Fees --**

39 **Commerce Service Account.**

40 (1) (a) There is created the Department of Commerce.

41 (b) The department shall:

42 (i) execute and administer state laws regulating business activities and occupations

43 affecting the public interest; and

44 (ii) ensure that any training or certification required of a public official or public

45 employee, as those terms are defined in Section **63G-22-102**, complies with Title 63G, Chapter

46 22, State Training and Certification Requirements, if the training or certification is required:

47 (A) under this title;

48 (B) by the department; or

49 (C) by an agency or division within the department.

50 (2) Within the department the following divisions are created:

51 (a) the Division of Professional Licensing;

52 (b) the Division of Real Estate;

53 (c) the Division of Securities;

54 (d) the Division of Public Utilities;

55 (e) the Division of Consumer Protection; and

56 (f) the Division of Corporations and Commercial Code.

57 (3) (a) Unless otherwise provided by statute, the department may adopt a schedule of

58 fees assessed for services provided by the department by following the procedures and

59 requirements of Section [63J-1-504](#).

60 (b) The department shall submit each fee established in this manner to the Legislature
61 for the Legislature's approval as part of the department's annual appropriations request.

62 (c) (i) There is created a restricted account within the General Fund known as the
63 "Commerce Service Account."

64 (ii) The restricted account created in Subsection (3)(c)(i) consists of fees collected by
65 each division and by the department.

66 (iii) The undesignated account balance may not exceed \$1,000,000 at the end of each
67 fiscal year.

68 (iv) At the end of each fiscal year, the director of the Division of Finance shall transfer
69 into the General Fund any undesignated funds in the account that exceed the amount necessary
70 to maintain the undesignated account balance at \$1,000,000.

71 (d) The department may not charge or collect a fee or expend money from the
72 restricted account without approval by the Legislature.

73 (4) (a) As used in this Subsection (4):

74 (i) "Business entity" means a sole proprietorship, partnership, limited partnership,
75 limited liability company, corporation, or other entity or association used to carry on a business
76 for profit.

77 (ii) "Fund" means the Single Sign-On Expendable Special Revenue Fund, created in
78 Subsection (4)(c).

79 (iii) "Renewal fee" means a fee that the Division of Corporations and Commercial
80 Code, established in Section [13-1a-1](#), is authorized or required to charge a business entity in
81 connection with the business entity's periodic renewal of the business entity's status with the
82 Division of Corporations and Commercial Code.

83 (iv) "Single sign-on fee" means a fee described in Subsection (4)(b) to pay for the
84 establishment and maintenance of the single sign-on business portal.

85 (v) "Single sign-on business portal" means the same as that term is defined in Section
86 [63A-16-802](#).

87 (b) (i) The schedule of fees adopted by the department under Subsection (3) shall
88 include a single sign-on fee, not to exceed \$5, as part of a renewal fee.

89 (ii) The department shall deposit all single sign-on fee revenue into the fund.

90 (c) (i) There is created the Single Sign-On Expendable Special Revenue Fund.
91 (ii) The fund consists of:
92 (A) money that the department collects from the single sign-on fee; and
93 (B) money that the Legislature appropriates to the fund.
94 (d) The department shall use the money in the fund to pay for costs:
95 (i) to design, create, operate, and maintain the single sign-on business portal; and
96 (ii) incurred by:
97 (A) the Department of Technology Services, created in Section 63A-16-103; or
98 (B) a third-party vendor working under a contract with the Department of Technology
99 Services.

100 (e) The department shall report on fund revenues and expenditures to the Public
101 Utilities, Energy, and Technology Interim Committee of the Legislature annually and at any
102 other time requested by the committee.

103 (5) (a) As used in this Subsection (5):

104 (i) "Costs of electronic payments" means:

105 (A) any charge, discount fee, or processing fee that a credit card company or processing
106 agent charges to process an electronic payment; or

107 (B) the costs associated with the purchase of equipment necessary for processing
108 electronic payments.

109 (ii) "Electronic payment" means any form of payment processed through electronic
110 means, including a credit card, debit card, or automatic clearinghouse transaction.

111 (iii) "Electronic payment fee" means the fee the department adopts in accordance with
112 this Subsection (5) to defray the costs of electronic payments.

113 (b) As part of the schedule of fees described in Subsection (3)(a), the department shall
114 establish an electronic payment fee.

115 (c) The department:

116 (i) may collect an electronic payment fee from each person who applies for or renews a
117 license or registration issued by the department or a division of the department; and

118 (ii) shall deposit into the Commerce Electronic Payment Fee Restricted Account
119 created in Section 13-1-17 each electronic payment fee the department collects.

120 (d) The electronic payment fee described in this Subsection (5) is not subject to

121 Subsection 63J-1-105(3) or (4).

122 (e) (i) If the department imposes an electronic payment fee, the department shall collect
123 the electronic payment fee from each person described in Subsection (5)(c)(i) regardless of
124 whether the person makes an electronic payment.

125 (ii) The department is not required to separately identify an electronic payment charged
126 to a person described in Subsection (5)(c)(i).

127 Section 2. Section 13-1-17 is enacted to read:

128 **13-1-17. Commerce Electronic Payment Fee Restricted Account.**

129 (1) As used in this section:

130 (a) "Account" means the Commerce Electronic Payment Fee Restricted Account
131 created in this section.

132 (b) "Costs of electronic payments" means the same as that term is defined in Section
133 13-1-2.

134 (c) "Department" means the Department of Commerce.

135 (d) "Electronic payment" means the same as that term is defined in Section 13-1-2.

136 (e) "Electronic payment fee" means the same as that term is defined in Section 13-1-2.

137 (2) There is created in the General Fund a restricted account known as the "Commerce
138 Electronic Payment Fee Restricted Account."

139 (3) The account consists of money that the department collects as an electronic
140 payment fee in accordance with Section 13-1-2.

141 (4) Upon appropriation, the department may use money in the account to cover the
142 costs of electronic payments.

143 (5) In accordance with Section 63J-1-602.1, appropriations made to the department
144 from the account are nonlapsing.

145 Section 3. Section 63J-1-602.1 is amended to read:

146 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

147 Appropriations made from the following accounts or funds are nonlapsing:

148 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
149 and Leadership Restricted Account created in Section 4-42-102.

150 (2) The Native American Repatriation Restricted Account created in Section 9-9-407.

151 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in

152 Section [9-18-102](#).

153 (4) The National Professional Men's Soccer Team Support of Building Communities
154 Restricted Account created in Section [9-19-102](#).

155 (5) Funds collected for directing and administering the C-PACE district created in
156 Section [11-42a-106](#).

157 (6) Money received by the Utah Inland Port Authority, as provided in Section
158 [11-58-105](#).

159 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).

160 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).

161 (9) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in
162 Section [19-2a-106](#).

163 (10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
164 Section [19-5-126](#).

165 (11) The "Support for State-Owned Shooting Ranges Restricted Account" created in
166 Section [23-14-13.5](#).

167 (12) Award money under the State Asset Forfeiture Grant Program, as provided under
168 Section [24-4-117](#).

169 (13) Funds collected from the program fund for local health department expenses
170 incurred in responding to a local health emergency under Section [26-1-38](#).

171 (14) The Children with Cancer Support Restricted Account created in Section
172 [26-21a-304](#).

173 (15) State funds for matching federal funds in the Children's Health Insurance Program
174 as provided in Section [26-40-108](#).

175 (16) The Children with Heart Disease Support Restricted Account created in Section
176 [26-58-102](#).

177 (17) The Technology Development Restricted Account created in Section [31A-3-104](#).

178 (18) The Criminal Background Check Restricted Account created in Section
179 [31A-3-105](#).

180 (19) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
181 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.

182 (20) The Title Licensee Enforcement Restricted Account created in Section

- 183 [31A-23a-415](#).
- 184 (21) The Health Insurance Actuarial Review Restricted Account created in Section
185 [31A-30-115](#).
- 186 (22) The Insurance Fraud Investigation Restricted Account created in Section
187 [31A-31-108](#).
- 188 (23) The Underage Drinking Prevention Media and Education Campaign Restricted
189 Account created in Section [32B-2-306](#).
- 190 (24) The Drinking While Pregnant Prevention Media and Education Campaign
191 Restricted Account created in Section [32B-2-308](#).
- 192 (25) The School Readiness Restricted Account created in Section [35A-15-203](#).
- 193 (26) Money received by the Utah State Office of Rehabilitation for the sale of certain
194 products or services, as provided in Section [35A-13-202](#).
- 195 (27) The Oil and Gas Administrative Penalties Account created in Section [40-6-11](#).
- 196 (28) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 197 (29) The Division of Oil, Gas, and Mining Restricted account created in Section
198 [40-6-23](#).
- 199 (30) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
200 the Motor Vehicle Division.
- 201 (31) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
202 created by Section [41-3-110](#) to the State Tax Commission.
- 203 (32) The Utah Law Enforcement Memorial Support Restricted Account created in
204 Section [53-1-120](#).
- 205 (33) The State Disaster Recovery Restricted Account to the Division of Emergency
206 Management, as provided in Section [53-2a-603](#).
- 207 (34) The Post Disaster Recovery and Mitigation Restricted Account created in Section
208 [53-2a-1302](#).
- 209 (35) The Department of Public Safety Restricted Account to the Department of Public
210 Safety, as provided in Section [53-3-106](#).
- 211 (36) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
212 [53-8-303](#).
- 213 (37) The DNA Specimen Restricted Account created in Section [53-10-407](#).

- 214 (38) The Canine Body Armor Restricted Account created in Section [53-16-201](#).
- 215 (39) The Technical Colleges Capital Projects Fund created in Section [53B-2a-118](#).
- 216 (40) The Higher Education Capital Projects Fund created in Section [53B-22-202](#).
- 217 (41) A certain portion of money collected for administrative costs under the School
218 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 219 (42) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),
220 subject to Subsection [54-5-1.5\(4\)\(d\)](#).
- 221 (43) Funds collected from a surcharge fee to provide certain licensees with access to an
222 electronic reference library, as provided in Section [58-3a-105](#).
- 223 (44) Certain fines collected by the Division of Professional Licensing for violation of
224 unlawful or unprofessional conduct that are used for education and enforcement purposes, as
225 provided in Section [58-17b-505](#).
- 226 (45) Funds collected from a surcharge fee to provide certain licensees with access to an
227 electronic reference library, as provided in Section [58-22-104](#).
- 228 (46) Funds collected from a surcharge fee to provide certain licensees with access to an
229 electronic reference library, as provided in Section [58-55-106](#).
- 230 (47) Funds collected from a surcharge fee to provide certain licensees with access to an
231 electronic reference library, as provided in Section [58-56-3.5](#).
- 232 (48) Certain fines collected by the Division of Professional Licensing for use in
233 education and enforcement of the Security Personnel Licensing Act, as provided in Section
234 [58-63-103](#).
- 235 (49) The Relative Value Study Restricted Account created in Section [59-9-105](#).
- 236 (50) The Cigarette Tax Restricted Account created in Section [59-14-204](#).
- 237 (51) Funds paid to the Division of Real Estate for the cost of a criminal background
238 check for a mortgage loan license, as provided in Section [61-2c-202](#).
- 239 (52) Funds paid to the Division of Real Estate for the cost of a criminal background
240 check for principal broker, associate broker, and sales agent licenses, as provided in Section
241 [61-2f-204](#).
- 242 (53) Certain funds donated to the Department of Health and Human Services, as
243 provided in Section [26B-1-202](#).
- 244 (54) The National Professional Men's Basketball Team Support of Women and

- 245 Children Issues Restricted Account created in Section [26B-1-302](#).
- 246 (55) Certain funds donated to the Division of Child and Family Services, as provided
247 in Section [80-2-404](#).
- 248 (56) The Choose Life Adoption Support Restricted Account created in Section
249 [80-2-502](#).
- 250 (57) Funds collected by the Office of Administrative Rules for publishing, as provided
251 in Section [63G-3-402](#).
- 252 (58) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 253 (59) Money received by the military installation development authority, as provided in
254 Section [63H-1-504](#).
- 255 (60) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 256 (61) The Unified Statewide 911 Emergency Service Account created in Section
257 [63H-7a-304](#).
- 258 (62) The Utah Statewide Radio System Restricted Account created in Section
259 [63H-7a-403](#).
- 260 (63) The Utah Capital Investment Restricted Account created in Section [63N-6-204](#).
- 261 (64) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 262 (65) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
263 as provided under Section [63N-10-301](#).
- 264 (66) Funds collected by the housing of state probationary inmates or state parole
265 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 266 (67) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
267 and State Lands, as provided in Section [65A-8-103](#).
- 268 (68) The Amusement Ride Safety Restricted Account, as provided in Section
269 [72-16-204](#).
- 270 (69) Certain funds received by the Office of the State Engineer for well drilling fines or
271 bonds, as provided in Section [73-3-25](#).
- 272 (70) The Water Resources Conservation and Development Fund, as provided in
273 Section [73-23-2](#).
- 274 (71) Funds donated or paid to a juvenile court by private sources, as provided in
275 Subsection [78A-6-203\(1\)\(c\)](#).

- 276 (72) Fees for certificate of admission created under Section [78A-9-102](#).
- 277 (73) Funds collected for adoption document access as provided in Sections [78B-6-141](#),
- 278 [78B-6-144](#), and [78B-6-144.5](#).
- 279 (74) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
- 280 Utah Indigent Defense Commission.
- 281 (75) The Utah Geological Survey Oil, Gas, and Mining Restricted Account created in
- 282 Section [79-3-403](#).
- 283 (76) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
- 284 Park, and Green River State Park, as provided under Section [79-4-403](#).
- 285 (77) Funds donated as described in Section [41-1a-422](#) for the State Park Fees
- 286 Restricted Account created in Section [79-4-402](#) for support of the Division of State Parks' dark
- 287 sky initiative.
- 288 (78) Certain funds received by the Division of State Parks from the sale or disposal of
- 289 buffalo, as provided under Section [79-4-1001](#).
- 290 (79) The Commerce Electronic Payment Fee Restricted Account created in Section
- 291 [13-1-17](#).