

## HOUSE BILL NO. 543

INTRODUCED BY V. SMALL-EASTMAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN EXECUTIVE BRANCH AGENCY TO ACCEPT  
5 PAYMENT BY CREDIT CARD, DEBIT CARD, CHARGE CARD, OR OTHER COMMERCIALY ACCEPTABLE  
6 MEANS OF A TAX OR FEE THAT IS DUE TO THE AGENCY; ALLOWING THE AGENCY TO CHARGE AN  
7 AMOUNT FOR NONPAYMENT OF THE TAX OR FEE; REQUIRING THE PERSON WHO PAYS BY CREDIT  
8 CARD, DEBIT CARD, CHARGE CARD, OR OTHER COMMERCIALY ACCEPTABLE MEANS TO PAY THE  
9 FEES CHARGED BY THE FINANCIAL INSTITUTION OR CREDIT CARD COMPANY; AMENDING SECTIONS  
10 16-11-122, 30-12-203, 30-13-217, 30-16-301, 50-50-205, 80-7-106, AND 82-15-105, MCA; AND PROVIDING  
11 AN APPLICABILITY DATE."  
12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
14

15 **NEW SECTION. Section 1. Payment of taxes and fees by credit card and other commercially**  
16 **acceptable means.** (1) An agency shall accept payment by credit card, debit card, charge card, or other  
17 commercially acceptable means of a tax or fee that is due to the agency.

18 (2) (a) If payment of a tax or fee is made by credit card, debit card, charge card, or other commercially  
19 acceptable means, the tax or fee liability is not discharged and the person making the payment has not paid the  
20 tax or fee until the agency receives payment or credit from the financial institution or credit card company  
21 responsible for making the payment or credit and the payment or credit is not subsequently charged back to the  
22 agency by the financial institution or credit card company. Upon receipt of the payment or credit, the amount is  
23 considered paid on the date on which the charge was made by the person paying the tax or fee, unless the  
24 payment or credit is subsequently charged back to the state by the financial institution or credit card company.

25 (b) Upon notice of nonpayment, the agency may charge the person who attempted the payment of the  
26 tax or fee an amount not to exceed the costs of processing the claim for payment of the tax or fee. The amount  
27 that the agency charges must be added to the tax or fee due and must be collected in the same manner as the  
28 tax or fee due.

29 (3) A person who makes a payment as provided in this section shall pay all fees required by a financial  
30 institution or credit card company for the payment.

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 2           **Section 2.** Section 16-11-122, MCA, is amended to read:  
 3           **"16-11-122. License fees -- renewal.** (1) Each application for a wholesaler's license must be  
 4 accompanied by a fee of \$50.  
 5           (2) Each application for a subjobber's license must be accompanied by a fee of \$50.  
 6           (3) Each application for a retailer's license must be accompanied by a fee of \$5.  
 7           (4) The fees for the licenses in subsections (2) and (3) may be paid by credit card, debit card, charge  
 8 card, or other commercially acceptable means ~~and may be discounted for payment processing charges paid by~~  
 9 ~~the department to a third party~~ in accordance with [section 1].  
 10           (5) These licenses must be renewed annually on or before the anniversary date established by rule by  
 11 the board of review established in 30-16-302 and upon payment of the annual fee and are effective for 1 year,  
 12 without proration, and are not transferable."

13  
 14           **Section 3.** Section 30-12-203, MCA, is amended to read:  
 15           **"30-12-203. Licensing of weighing devices.** (1) A person may not knowingly operate or use an  
 16 unlicensed weighing device in trade or commerce for ascertaining the weight of any commodity.  
 17           (2) A license must be obtained by making application to the department upon blank forms to be  
 18 provided by the division of weights and measures. Each license must require at least one inspection ~~per a~~ year.  
 19           (3) An application must be accompanied by the proper fee as established by this section, except that  
 20 fees may be paid by credit card, debit card, charge card, or other commercially acceptable means ~~and may be~~  
 21 ~~discounted for payment processing charges paid by the department to a third party~~ in accordance with [section  
 22 1].

WEIGHING DEVICES

Capacity	Fees
499 pounds or less	\$12.00
500 pounds through 1,999 pounds	20.00
2,000 pounds through 7,999 pounds	40.00
8,000 pounds through 60,000 pounds	100.00
60,001 pounds or more	175.00

1 (4) The capacity of a weighing device must be determined by the manufacturer's rated capacity.

2 (5) All licenses must be annual and expire on the anniversary date established by rule by the board of  
3 review established in 30-16-302.

4 (6) A late renewal fee equal to 50% of the renewal license fee established in subsection (3) must be  
5 assessed if the fee is not paid before the first day of the sixth month of the year in which the license fee is due.  
6 A person failing to pay the renewal license fee before the first day of the sixth month of the year in which the  
7 license fee is due forfeits the right to use the weighing device, and it must be taken out of service by the division  
8 of weights and measures until the renewal fee and late renewal fee are paid.

9 (7) The fees must be deposited to the state special revenue fund of the department for use in the  
10 administration and enforcement of this part."

11

12 **Section 4.** Section 30-13-217, MCA, is amended to read:

13 **"30-13-217. Fees and charges to be established and collected by secretary of state.** (1) The  
14 secretary of state shall establish, charge, collect, and deposit, in accordance with 2-15-405:

15 (a) fees for filing documents and issuing certificates pursuant to this part;

16 (b) miscellaneous charges for other services provided by the secretary of state pursuant to this part;

17 and

18 (c) a license fee from each limited liability partnership at the time of registration under 30-13-203 and  
19 at the time of each renewal of registration under 30-13-206 through 30-13-208.

20 (2) Fees and charges may be paid by credit card, debit card, charge card, or other commercially  
21 acceptable means ~~and may be discounted for payment processing charges paid by the secretary of state to a~~  
22 ~~third party in accordance with [section 1]."~~

23

24 **Section 5.** Section 30-16-301, MCA, is amended to read:

25 **"30-16-301. Business registration and licensing plan -- administration.** (1) The provisions of  
26 16-11-120, 16-11-122, 30-12-203, 30-13-203, 30-13-206, 30-13-210, 30-13-217, 30-16-104, 50-50-201,  
27 50-50-203, 50-50-205, 50-50-207, 50-50-214, 80-7-106, 81-9-201, 81-20-201, and 82-15-105 constitute a means  
28 of implementing a preliminary plan for streamlined registration and licensing procedures. Sections 16-11-120,  
29 16-11-122, 30-12-203, 30-13-203, 30-13-206, 30-13-210, 30-13-217, 30-16-104, 50-50-201, 50-50-203,  
30 50-50-205, 50-50-207, 50-50-214, 80-7-106, 81-9-201, 81-20-201, and 82-15-105 provide that certain licenses

1 selected by the board of review must allow for:

2 (a) an anniversary date for license renewal that is set by the board of review;

3 (b) an electronic means of verifying the information required in the license application; and

4 (c) payment of license fees by credit card, debit card, charge card, or other commercially acceptable  
5 means discounts in relation to fees required for licensure in accordance with [section 1].

6 (2) The department shall designate an employee in charge of administering the plan whose duties  
7 include those of executive secretary of the board of review."  
8

9 **Section 6.** Section 50-50-205, MCA, is amended to read:

10 **"50-50-205. License fee -- late fee -- preemption of local authority -- exception.** (1) For each license  
11 issued, the department shall collect a fee of \$60. It shall deposit 85% of the fees collected under this section into  
12 the local board inspection fund account created in 50-2-108, 7.5% of the fees into the general fund, and 7.5%  
13 of the fees into the account provided for in 50-50-216.

14 (2) In addition to the license fee required under subsection (1), the department shall collect a late fee  
15 from any licensee who has failed to submit a license renewal fee prior to the expiration of the licensee's current  
16 license and who operates an establishment governed by this part in the next licensing year. The late fee is \$25  
17 and must be deposited in the account provided for in 50-50-216.

18 (3) A county or other local government may not impose an inspection fee or charge in addition to the  
19 fee provided for in subsection (1) unless a violation of this chapter or rule persists and is not corrected after two  
20 visits to the establishment.

21 (4) The fees in subsections (1) and (2) may be paid by credit card, debit card, charge card, or other  
22 commercially acceptable means ~~and may be discounted for payment processing charges paid by the department~~  
23 ~~to a third party. However, the discounting of license fees may not reduce the fees paid into the local board~~  
24 ~~inspection fund account established in 50-2-108~~ in accordance with [section 1]."  
25

26 **Section 7.** Section 80-7-106, MCA, is amended to read:

27 **"80-7-106. License required -- application and payment of license fee.** (1) A firm engaging in the  
28 business of selling or distributing nursery stock in this state shall obtain a license for each nursery from the  
29 department.

30 (2) The license must be in the name of the firm seeking the license and expires on the anniversary date

1 established by rule by the board of review established in 30-16-302. The applicant shall provide information that  
2 the department finds necessary to carry out the provisions and purposes of this chapter and in the form  
3 determined by rule by the board of review established in 30-16-302.

4 (3) (a) A nursery that earns less than \$1,000 in gross annual sales of nursery stock and that submits  
5 an affidavit to that effect to the department is exempt from licensing.

6 (b) A nursery that earns \$1,000 but less than \$3,000 in gross annual sales of nursery stock and that  
7 submits an affidavit to that effect to the department shall pay a license fee of \$30.

8 (c) A nursery that earns \$3,000 or more in gross annual sales of nursery stock shall pay a license fee  
9 of \$95.

10 (4) A new applicant or a firm failing to renew a license on or before the annual anniversary date  
11 provided for in subsection (2) shall pay an additional nonrefundable application fee of \$25 for each license.

12 (5) An out-of-state firm that imports nursery stock into Montana for resale by a licensed Montana nursery  
13 is not required to obtain a license if the firm is licensed in the state of origin of the nursery stock and if that state  
14 extends a similar exemption to Montana firms.

15 (6) If the department determines that the revenue from the license fee is inadequate to accomplish the  
16 purposes of this chapter, the department may by rule increase the fee.

17 (7) The fees required by the provisions of this section may be paid by credit card, debit card, charge  
18 card, or other commercially acceptable means ~~and may be discounted for payment processing charges paid by~~  
19 ~~the department to a third party in accordance with [section 1]."~~

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21 **Section 8.** Section 82-15-105, MCA, is amended to read:

22 **"82-15-105. Licenses and fees -- status of license on transfer of ownership.** (1) A petroleum dealer  
23 or liquefied petroleum dealer may not do business in this state until licensed by the department. The license  
24 must be obtained by the dealer by making application to the department upon blank forms provided by the  
25 department. A dealer who has not been issued a license and who is found selling, offering for sale, delivering,  
26 or distributing petroleum products ~~shall~~ must upon conviction be punished as provided by this part.

27 (2) The department shall adopt rules establishing license fees based upon the measuring devices used  
28 by the dealer. The fees may be paid by credit card, debit card, charge card, or other commercially acceptable  
29 means ~~and may be discounted for payment processing charges paid by the department to a third party in~~  
30 ~~accordance with [section 1].~~ The fees must be deposited in the state special revenue fund of the department for

1 use in administrating and enforcing this part.

2 (3) All licenses are annual and expire on the anniversary date established by rule by the board of review  
3 established in 30-16-302. There is an additional charge of 50% on all license fees that are not paid within 60  
4 days of the licensee's anniversary date. If the fee is not paid, the equipment must be sealed and removed from  
5 service by the department. It is unlawful for anyone to use a device removed from service or to break the seal  
6 until all fees have been paid.

7 (4) If ownership of a measuring device changes and the device:

8 (a) remains at the same location, the license transfers to the new owner and remains in effect until  
9 December 31 of that year;

10 (b) is moved to a new location, the license is void, and the new owner shall:

11 (i) apply for a new license that will expire on the anniversary date of that year, as provided in subsection  
12 (3); and

13 (ii) pay the applicable fees."  
14

15 **NEW SECTION. Section 9. Codification instruction.** [Section 1] is intended to be codified as an  
16 integral part of Title 2, chapter 15, and the provisions of Title 2, chapter 15, apply to [section 1].  
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18 **NEW SECTION. Section 10. Applicability.** [This act] applies to taxes and fees due on or after January  
19 1, 2004.  
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