

HOUSE BILL NO. 543
INTRODUCED BY V. SMALL-EASTMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN EXECUTIVE BRANCH AGENCY TO ACCEPT PAYMENT BY CREDIT CARD, DEBIT CARD, CHARGE CARD, OR OTHER COMMERCIALY ACCEPTABLE MEANS OF A TAX OR FEE THAT IS DUE TO THE AGENCY; ALLOWING THE AGENCY TO CHARGE AN AMOUNT FOR NONPAYMENT OF THE TAX OR FEE; REQUIRING THE PERSON WHO PAYS BY CREDIT CARD, DEBIT CARD, CHARGE CARD, OR OTHER COMMERCIALY ACCEPTABLE MEANS TO PAY THE FEES CHARGED BY THE FINANCIAL INSTITUTION OR CREDIT CARD COMPANY; AMENDING SECTIONS 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 AN APPLICABILITY DATE."

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

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

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

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

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

Section 2. Section 16-11-122, MCA, is amended to read:

"16-11-122. License fees -- renewal. (1) Each application for a wholesaler's license must be accompanied by a fee of \$50.

(2) Each application for a subjobber's license must be accompanied by a fee of \$50.

(3) Each application for a retailer's license must be accompanied by a fee of \$5.

(4) The fees for the licenses in subsections (2) and (3) may be paid by credit card, debit card, charge card, or other commercially acceptable means ~~and may be discounted for payment processing charges paid by the department to a third party in accordance with [section 1].~~

(5) These licenses must be renewed annually on or before the anniversary date established by rule by the board of review established in 30-16-302 and upon payment of the annual fee and are effective for 1 year, without proration, and are not transferable."

Section 3. Section 30-12-203, MCA, is amended to read:

"30-12-203. Licensing of weighing devices. (1) A person may not knowingly operate or use an unlicensed weighing device in trade or commerce for ascertaining the weight of any commodity.

(2) A license must be obtained by making application to the department upon blank forms to be provided by the division of weights and measures. Each license must require at least one inspection ~~per a~~ year.

(3) An application must be accompanied by the proper fee as established by this section, except that fees may be paid by credit card, debit card, charge card, or other commercially acceptable means ~~and may be discounted for payment processing charges paid by the department to a third party in accordance with [section 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

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

(5) All licenses must be annual and expire on the anniversary date established by rule by the board of

review established in 30-16-302.

(6) A late renewal fee equal to 50% of the renewal license fee established in subsection (3) must be 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. A person failing to pay the renewal license fee before the first day of the sixth month of the year in which the license fee is due forfeits the right to use the weighing device, and it must be taken out of service by the division of weights and measures until the renewal fee and late renewal fee are paid.

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

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

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

- (a) fees for filing documents and issuing certificates pursuant to this part;
- (b) miscellaneous charges for other services provided by the secretary of state pursuant to this part; and
- (c) a license fee from each limited liability partnership at the time of registration under 30-13-203 and at the time of each renewal of registration under 30-13-206 through 30-13-208.

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

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

"30-16-301. Business registration and licensing plan -- administration. (1) The provisions of 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, 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 of implementing a preliminary plan for streamlined registration and licensing procedures. Sections 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, 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 provide that certain licenses selected by the board of review must allow for:

- (a) an anniversary date for license renewal that is set by the board of review;
- (b) an electronic means of verifying the information required in the license application; and
- (c) payment of license fees by credit card, debit card, charge card, or other commercially acceptable

means discounts in relation to fees required for licensure in accordance with [section 1].

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

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

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

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

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

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

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

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

(2) The license must be in the name of the firm seeking the license and expires on the anniversary date established by rule by the board of review established in 30-16-302. The applicant shall provide information that the department finds necessary to carry out the provisions and purposes of this chapter and in the form determined by rule by the board of review established in 30-16-302.

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

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

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

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

(5) An out-of-state firm that imports nursery stock into Montana for resale by a licensed Montana nursery 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 extends a similar exemption to Montana firms.

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

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

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

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

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

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

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

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

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

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

(ii) pay the applicable fees."

NEW SECTION. **Section 9. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 2, chapter 15, and the provisions of Title 2, chapter 15, apply to [section 1].

NEW SECTION. **Section 10. Applicability.** [This act] applies to taxes and fees due on or after January 1, 2004.

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