A bill for an act

relating to commerce; providing a payment mechanism for technology used by the Department of Commerce in connection with licensing requirements for mortgage originators and servicers, insurance agents, real estate agents, real estate closing agents, real estate appraisers, debt collection agencies, and real estate abstractors; appropriating money; amending Minnesota Statutes 2006, sections 58.10, subdivision 1; 60K.55, subdivision 2; 82.24, subdivisions 1, 4; 82B.09, subdivision 1; 332.33, subdivisions 3, 6; 386.68; proposing coding for new law in Minnesota Statutes, chapter 45.

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

Section 1. **[45.24] LICENSE TECHNOLOGY FEES.**

(a) The commissioner may establish and maintain an electronic licensing system for use in tracking the completion of continuing education requirements by individual licensees who have continuing education requirements, and that database system may be linked to or be a part of a licensing database used for license origination, renewal, and other related purposes.

(b) The commissioner shall pay for the cost of operating and maintaining the continuing education database system described in paragraph (a) through a continuing education technology surcharge imposed upon the fee for license origination and renewal for individual licenses that require continuing education.

(c) The surcharge permitted under paragraph (b) shall be up to $30 for each two-year licensing period, except as otherwise provided in paragraph (f), and shall be payable at the time of license origination and renewal.

(d) The Commerce Department technology account is hereby created as an account in the special revenue fund.

(e) The commissioner shall deposit the surcharge permitted under this section in the account created in paragraph (d), and funds in the account are appropriated to the commissioner in the amounts needed for purposes of this section.

(f) The commissioner shall temporarily suspend or eliminate the surcharge as necessary if the balance in the account created in paragraph (d) exceeds $1,000,000 as of the end of any fiscal year and shall increase or decrease the surcharge as necessary to keep the fund balance at an adequate level but not in excess of $1,000,000.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2006, section 58.10, subdivision 1, is amended to read:

Subdivision 1. **Amounts.** The following fees must be paid to the commissioner:

(1) for an initial residential mortgage originator license, $850, $50 of which is credited to the consumer education account in the special revenue fund;

(2) for a renewal license, $450, $50 of which is credited to the consumer education account in the special revenue fund;

(3) for an initial residential mortgage servicer's license, $1,000;

(4) for a renewal license, $500; ~~and~~

(5) for a certificate of exemption, $100; and

(6) in addition to the fees payable under clauses (1) to (4), a technology surcharge of up to $30 under section 45.24, unless the commissioner has adjusted that surcharge as permitted under that section.

EFFECTIVE DATE. This section is effective August 1, 2007.

Sec. 3. Minnesota Statutes 2006, section 60K.55, subdivision 2, is amended to read:

Subd. 2. **Licensing fees.** (a) In addition to fees provided for examinations and the technology surcharge required under paragraph (d), each insurance producer licensed under this chapter shall pay to the commissioner a fee of:

(1) $50 for an initial life, accident and health, property, or casualty license issued to an individual insurance producer, and a fee of $50 for each renewal;

(2) $50 for an initial variable life and variable annuity license issued to an individual insurance producer, and a fee of $50 for each renewal;

(3) $50 for an initial personal lines license issued to an individual insurance producer, and a fee of $50 for each renewal;

(4) $50 for an initial limited lines license issued to an individual insurance producer, and a fee of $50 for each renewal;

(5) $200 for an initial license issued to a business entity, and a fee of $200 for each renewal; and

(6) $500 for an initial surplus lines license, and a fee of $500 for each renewal.

(b) Initial licenses issued under this chapter are valid for a period not to exceed 24 months and expire on October 31 of the renewal year assigned by the commissioner. Each renewal insurance producer license is valid for a period of 24 months. Licensees who submit renewal applications postmarked or delivered on or before October 15 of the renewal year may continue to transact business whether or not the renewal license has been received by November 1. Licensees who submit applications postmarked or delivered after October 15 of the renewal year must not transact business after the expiration date of the license until the renewal license has been received.

(c) All fees are nonreturnable, except that an overpayment of any fee may be refunded upon proper application.

(d) In addition to the fees required under paragraph (a), individual insurance producers shall pay, for each initial license and renewal, a technology surcharge of up to $30 under section 45.24, unless the commissioner has adjusted the surcharge as permitted under that section.

EFFECTIVE DATE. This section is effective October 1, 2007.

Sec. 4. Minnesota Statutes 2006, section 82.24, subdivision 1, is amended to read:

Subdivision 1. **Amounts.** The following fees shall be paid to the commissioner:

(a) a fee of $150 for each initial individual broker's license, and a fee of $100 for each renewal thereof;

(b) a fee of $70 for each initial salesperson's license, and a fee of $40 for each renewal thereof;

(c) a fee of $85 for each initial real estate closing agent license, and a fee of $60 for each renewal thereof;

(d) a fee of $150 for each initial corporate, limited liability company, or partnership license, and a fee of $100 for each renewal thereof;

(e) a fee for payment to the education, research and recovery fund in accordance with section 82.43;

(f) a fee of $20 for each transfer;

(g) a fee of $50 for license reinstatement; ~~and~~

(h) a fee of $20 for reactivating a corporate, limited liability company, or partnership license without land; and

(i) in addition to the fees required under this subdivision, individual licensees under paragraphs (a), (b), and (c) shall pay, for each initial license and renewal, a technology surcharge of up to $30 under section 45.24, unless the commissioner has adjusted the surcharge as permitted under that section.

EFFECTIVE DATE. This section is effective June 1, 2007.

Sec. 5. Minnesota Statutes 2006, section 82.24, subdivision 4, is amended to read:

Subd. 4. **Deposit of fees.** Unless otherwise provided by this chapter, all fees collected under this chapter shall be deposited in the state treasury. The continuing education technology surcharge shall be deposited as required under section 45.24.

EFFECTIVE DATE. This section is effective June 1, 2007.

Sec. 6. Minnesota Statutes 2006, section 82B.09, subdivision 1, is amended to read:

Subdivision 1. **Amounts.** (a) The following fees must be paid to the commissioner:

(1) $150 for each initial individual real estate appraiser's license; and

(2) $100 for each renewal.

(b) In addition to the fees required under this subdivision, individual real estate appraisers shall pay a technology surcharge of up to $30 under section 45.24, unless the commissioner has adjusted the surcharge as permitted under that section.

EFFECTIVE DATE. This section is effective August 1, 2007.

Sec. 7. Minnesota Statutes 2006, section 332.33, subdivision 3, is amended to read:

Subd. 3. **Term.** Licenses issued or renewed and registrations received by the commissioner of commerce under sections 332.31 to 332.45 shall expire on June 30. Each collection agency license shall plainly state the name and business address of the licensee, and shall be posted in a conspicuous place in the office where the business is transacted. The fee for each collection agency license is $500, and renewal is $400. The fee for each collector registration and renewal is $10. A collection agency licensee who desires to carry on business in more than one place shall procure a license for each place where the business is to be conducted. In addition, a technology surcharge of up to $30, as provided in section 45.24, must be paid to the commissioner on each initial license and renewal of a collection agency license, unless the commissioner has adjusted the amount of the surcharge as permitted under section 45.24.

EFFECTIVE DATE. This section is effective July 1, 2007.

Sec. 8. Minnesota Statutes 2006, section 332.33, subdivision 6, is amended to read:

Subd. 6. **Deposit of fees.** All money received by the commissioner under this section shall be deposited in the general fund of the state treasury, except that the technology surcharge shall be deposited as required under section 45.24.

EFFECTIVE DATE. This section is effective July 1, 2007.

Sec. 9. Minnesota Statutes 2006, section 386.68, is amended to read:

386.68 FEES.

The following fees must be paid to the commissioner: an initial licensing fee of $50; and a license renewal fee of $40. In addition, a technology surcharge of up to $30, as provided in section 45.24, must be paid to the commissioner on each initial license and renewal, unless the commissioner has adjusted the amount of the surcharge as permitted under section 45.24.

EFFECTIVE DATE. This section is effective July 1, 2007.