

H.527 – An Act Relating to Executive Branch and Judicial Branch Fees

As passed by Senate with proposal of amendment

Section by Section Summary

Legislative Council – May 8, 2019

Section	Summary
	<ul style="list-style-type: none"> • Hemp fees are eliminated from the fee bill.
Sec. 1	<p>Department of Financial Regulation, Banks and Other Financial Institutions</p> <ul style="list-style-type: none"> • Adds sections 2102 (application for license fees) and 2109 (license renewal fees), which would go into chapter 72 (General Provisions) of title 8 (new chapter created by Banking Bill). • Creates combination license for those who need any of the following licenses: lender license, mortgage broker license, loan solicitation license, or loan servicer license. Establishes \$1,500 license fee, \$1,500 application and investigation fee, and \$1,700 renewal fee. • Creates \$300 application and investigation fee for consumer litigation funding companies. • Increases money transmission licenses' license fee and renewal fee, from \$500 to \$1,000. • Increases debt adjuster's application and investigation fee from \$250 to \$500.
Secs. 2–3a	<p>Department of Financial Regulation, Insurance</p> <ul style="list-style-type: none"> • Increases the following fees: <ul style="list-style-type: none"> ○ Initial and biennial producer appointment fee, from \$60 to \$120 (House raised it to \$90) ○ Initial 24-month appointment and biennial renewal appointment for limited lines producers, \$60 to \$90 ○ Initial 24-month license and biennial renewal for adjusters and appraiser licenses, \$60 to \$120 (House raised it to \$90) • Starting on June 1, 2021, changes producer appointment from biennial initial term and renewal to annual initial term and renewal. Establishes \$60 fee for initial and annual appointment (House raised it to \$50).
Sec. 4	<p>Securities Act</p> <ul style="list-style-type: none"> • Increases following fees: <ul style="list-style-type: none"> ○ Application for individual registering as an agent, \$90 to \$120 ○ Renewal of registration, \$90 to \$120 ○ Change of registration, \$90 to \$120

Sec. 5	<p>Department of Fish and Wildlife – License Fees</p> <ul style="list-style-type: none"> • Increases following resident license fees: <ul style="list-style-type: none"> ○ Fishing license, from \$26 to \$28 ○ Hunting license, from \$26 to \$28 ○ Combination hunting license and fishing license, from \$42 to \$47 • Increases following nonresident license fees: <ul style="list-style-type: none"> ○ Fishing license, from \$52 to \$54 ○ Hunting license, from \$100 to \$102 ○ Combination hunting and fishing license, from \$138 to \$143 • These fees take effect on January 1, 2020.
Sec. 6	<p>Department of Fish and Wildlife – Lifetime Licenses</p> <ul style="list-style-type: none"> • Increases multiplier for children under 1 year of age, from 6 to 8 <ul style="list-style-type: none"> ○ This number is multiplied by resident or nonresident fishing, hunting, or combination hunting and fishing license fees to obtain respective lifetime license fee. • This change takes effect on January 1, 2020.
Sec. 7	<p>Department of Labor – Workers’ Compensation Fund</p> <ul style="list-style-type: none"> • Establishes contribution rate of workers’ compensation insurance at 1.4%, and contribution rate of self-insured workers’ compensation losses and workers’ compensation losses of corporations at 1%. These rates were the same last year.
Sec. 8	<p>Department of Motor Vehicles – All-Terrain Vehicles</p> <ul style="list-style-type: none"> • Increases registration fee for all-terrain vehicle from \$35 to \$45.
Sec. 9	<p>Department of Public Service and Public Utility Commission – Gross Receipts Tax</p> <ul style="list-style-type: none"> • Increases and splits the gross receipts tax as follows: <ul style="list-style-type: none"> ○ Increases gross receipts tax for electricity companies from 0.0050 to 0.00525; 0.00320 is for the Department, and 0.00205 is for the Commission.

	<ul style="list-style-type: none"> ○ Increases gross receipts tax for gas companies from 0.0030 to 0.00525; 0.00320 is for the Department, and 0.00205 is for the Commission. ○ Leaves other gross receipts tax or minimum flat fees as they currently are and splits them as follows: 60% for the Department and 40% for the Commission.
Secs. 10–12	<p>Department of Public Service and Public Utility Commission – Certificates of Public Good for New Gas and Electric Purchases, Investments, and Facilities</p> <ul style="list-style-type: none"> ● Creates following fees for registration of electric generation facilities that have 50 kW or less in plant capacity, rooftop projects, hydroelectric projects filing a net metering registration, or for application files under subsection 248(n) of title 30 (placement of wireless communications facilities on an electric transmission or generation facility): \$100 for registration and \$25 for modifications. ● Creates following fees for registration of electric generation facilities that have more than 50 kW in plant capacity: \$5 per kW for registration and \$100 for modifications. ● Fees do not apply to companies that pay the gross receipts tax. ● Fees are split as follows: 60% to the Department, and 40% to the Commission. ● Department and Commission must jointly submit report annually, concerning fees collected and refunds approved. ● Fee refund: <ul style="list-style-type: none"> ○ If applicant withdraws application before any agency has filed comments expressing a position, filed testimony, or filed a stipulated agreement with the Commission, 50% of the fees over the first \$100 are refunded. Under these cases, the agencies cannot retain more than \$20,000. ○ If applicant withdraws application after any of the previously mentioned situations has occurred, only 25% of the fees over the first \$100 are refunded. ○ No fees are refunded after the Commission has issued a final decision on the merits. ○ If a refund occurs, interest is not due. ○ Refund decision may be appealed before the Vermont Supreme Court. ● Before January 15 of next year, the Department, together with the Commission, must evaluate the feasibility of using billback mechanisms

	<p>to recover the costs related to reviewing applications for projects that produce five megawatts or more of electricity. Report must be submitted to House Committee on Ways and Means and to House Committee on Energy and Technology with findings.</p>
Sec. 13	<p>Secretary of State – Professional Regulation</p> <ul style="list-style-type: none"> • General board and advisor profession fees: <ul style="list-style-type: none"> ○ Creates the following fees for continuing, qualifying, or prelicensing education course approval: <ul style="list-style-type: none"> ▪ \$100 for provider ▪ \$25 for individual ○ Creates the following exceptions to the standard \$100 application fee for licensure or certification: <ul style="list-style-type: none"> ▪ \$275 for real estate appraisers (fee is combination of current fees: \$125 application fee and \$150 initial license fee; changed to advisory profession) ▪ \$150 for temporary real estate appraisers (fee stayed the same when changed to advisory profession) ▪ \$600 for appraisal management company registration (increased from \$125 when changed to advisory profession) ○ Increases the standard biennial renewal fee from \$200 to \$240. Creates or modifies the following exceptions to the standard biennial renewal fee: <ul style="list-style-type: none"> ▪ The physical therapists and assistant’s renewal fee is increased from \$100 to \$150 ▪ \$600 for appraisal management company registration renewal (increased from \$400 when changed to advisory profession) ▪ Radiologic therapist, radiologic technologist, and nuclear medicine technologist renewal is set at \$150 (increased from \$110 when changed to advisory profession; currently called renewal of a single primary license) ▪ Certified alcohol and drug abuse counselor, certified apprentice addiction professional, and licensed alcohol and drug abuse counselor, \$225. ○ The radiologic evaluation fee is the same, \$125, but now falls under advisory profession.

Sec. 14	<p>Board of Public Accountancy</p> <p>The following fees are increased:</p> <ul style="list-style-type: none"> • Application for license is increased, from \$75 to \$100 • Biennial renewal of license is increase, from \$120 to \$220 • Firm registration is increased, from \$120 to \$200 • Firm biennial renewal of registration is increased from \$120 to \$400 <ul style="list-style-type: none"> ○ Separate renewal fee is established for sole proprietor firm, increased from \$120 to \$200
Sec. 15	<p>Board of Dental Examiners</p> <ul style="list-style-type: none"> • The following application fees are increased: <ul style="list-style-type: none"> ○ Dentist, \$225 to \$250 (House raised it to \$260) ○ Dental therapist stays at \$185 (House raised it to \$200) ○ Dental hygienist, \$150 to \$175 (House raised it to \$180) ○ Dental assistant, \$60 to \$70 (House raised it to \$75) • The following biennial renewal fees are increased: <ul style="list-style-type: none"> ○ Dentist, \$355 to \$575 (House raised it to \$600) ○ Dental therapist, \$225 to \$270 (House raised it to \$275) ○ Dental hygienist, \$125 to \$215 (House raised it to \$225) ○ Dental assistant, \$75 to \$90 (House raised it to \$100)
Sec. 16	<p>Board of Professional Engineering</p> <ul style="list-style-type: none"> • Increases the following fees: <ul style="list-style-type: none"> ○ Application for engineering license or application to add additional specialty discipline, from \$80 to \$100 ○ Biennial license renewal, from \$100 to \$150
Sec. 17	<p>State Board of Nursing</p> <ul style="list-style-type: none"> • The following fees are increased: <ul style="list-style-type: none"> ○ Biennial renewal for nursing assistants is increased, from \$45 to \$55 ○ Regarding practical nurses and registered nurses:

	<ul style="list-style-type: none"> ▪ Application by exam is increased, from \$60 to \$75 (House raised it to \$110) ▪ Biennial renewal for practical nurses is increased, from \$140 to \$175 • Added a biennial renewal for registered nurses of \$190 (House raised it to \$200) <ul style="list-style-type: none"> ○ Regarding advanced practice registered nurses: <ul style="list-style-type: none"> ▪ Initial endorsement is increased, from \$75 to \$100 ▪ Biennial renewal is increased, from \$75 to \$125
Sec. 18	<p>Board of Pharmacy – Licensing Fees</p> <ul style="list-style-type: none"> • The following initial application fees are increased: <ul style="list-style-type: none"> ○ Institutional drug outlets, \$300 to \$400 ○ Manufacturing drug outlet, \$300 to \$400 ○ Wholesale drug outlet, \$600 to \$700 • The following initial application fees are created: <ul style="list-style-type: none"> ○ Outsourcing drug outlet, \$700 ○ Nuclear drug outlet, \$700 ○ Compounding drug outlet, \$700 ○ Home infusion drug outlet, \$700 ○ Third-party logistics, \$700 ○ Pharmacy interns, \$20 • The following biennial renewal fees are increased: <ul style="list-style-type: none"> ○ Pharmacists, \$100 to \$125 ○ Retail drug outlets, \$300 to \$400 ○ Institutional drug outlets, \$300 to \$500 ○ Manufacturing drug outlet, \$300 to \$500 ○ Wholesale drug outlet, \$300 to \$500 • The following biennial renewal fees are created: <ul style="list-style-type: none"> ○ Outsourcing drug outlet, \$500 ○ Nuclear drug outlet, \$500 ○ Compounding drug outlet, \$500 ○ Home infusion drug outlet, \$500 ○ Third-party logistics, \$500 ○ Pharmacy interns, \$45
Sec. 19	<p>Board of Pharmacy – Wholesale Distributors and Manufacturers</p> <ul style="list-style-type: none"> • The fee for reinspection during any two-year period is increased from a flat fee of \$100 to a maximum fee limit of \$500.
Sec. 20	Real Estate Commission

	<ul style="list-style-type: none"> • The following fees are increased: <ul style="list-style-type: none"> ○ Application: <ul style="list-style-type: none"> ▪ Broker license, from \$50 to \$100 ▪ Salesperson license, from \$50 to \$100 ▪ Brokerage firm registration, from \$50 to \$200 ▪ Branch office registration, from \$50 to \$200 ○ Biennial renewal: <ul style="list-style-type: none"> ▪ Broker or salesperson license, from \$200 to \$240 ▪ Brokerage firm or branch office registration, from \$200 to \$400
Sec. 21	<p>Board of Radiologic Technology</p> <ul style="list-style-type: none"> • Changes current fees to those imposed for advisory professions under subsection 125(b) of title 3.
Sec. 22	<p>Board of Allied Mental Health Practitioners – Clinical Mental Health Counselors</p> <ul style="list-style-type: none"> • Increases application for licensure fee, from \$125 to \$150. • Increases biennial renewal from \$150 to \$200 (House raised it to \$250).
Sec. 23	<p>Board of Real Estate Appraisers</p> <ul style="list-style-type: none"> • Changes current fees to those imposed for advisory professions under subsection 125(b) of title 3.
Sec. 24	<p>Board of Allied Mental Health Practitioners – Marriage and Family Therapists</p> <ul style="list-style-type: none"> • Increases application for licensure fee, from \$125 to \$150. • Increases biennial renewal, from \$150 to \$250.
Sec. 25	<p>Roster of Psychotherapist Who are Nonlicensed and Noncertified</p>

	<ul style="list-style-type: none"> • Increases initial roster entry fee, from \$75 to \$80. • Increases biennial roster reentry fee, from \$90 to \$150.
Sec. 26	<p>Electrologists</p> <ul style="list-style-type: none"> • Changes current fees to those imposed for advisory professions under subsection 125(b) of title 3.
Secs. 27– 28	<p>Judiciary</p> <ul style="list-style-type: none"> • Modifies the following fees paid in the Supreme and Superior Courts: <ul style="list-style-type: none"> ○ Creates \$120 fee for the appeal of a small claims decision. ○ Eliminates \$90 fee for motions to confirm the sale of property in foreclosure. • Modifies the following fees paid in Probate cases <ul style="list-style-type: none"> ○ Clarifies that \$100 fee that currently exists for petitions for license to sell real estate also applies to conveyances of real estate. ○ Clarifies that \$100 fee that currently exists for petitions for license to sell personal property also applies to conveyances of personal property. ○ Eliminates \$50 fee for requests for findings regarding motor vehicle title. ○ Creates \$100 fee for petitions to obtain a birth order. ○ Creates \$150 fee for petitions to appeal the State Registrar’s denial of an application to amend a birth or death certificate.
Sec. 29	<p>Pharmaceutical manufacturer fees</p> <ul style="list-style-type: none"> • Increases fee imposed on pharmaceutical manufacturers and labelers of prescription drugs from 1.5 percent to 1.75 percent of the previous calendar year’s prescription drug spending by the Department of Vermont Health Access.
Secs. 30- 31	<p>Entities that administer health reimbursement arrangements</p>

	<ul style="list-style-type: none"> • Requires the Commissioner of Financial Regulation to adopt rules to license and regulate entities administering or proposing to administer health reimbursement arrangements (HRAs), health savings accounts (HSAs) and/or flexible spending accounts (FSAs) in Vermont • Creates a \$600 initial fee and a \$600 renewal fee due every three years. • Requires the Commissioner of Financial Regulation to provide an update on rulemaking to the General Assembly by February 15, 2020
Sec. 32	<p>Department of Motor Vehicles – Public records requests</p> <ul style="list-style-type: none"> • Eliminates a subsection of language specific to Department of Motor Vehicles public records requests. • Department of Motor Vehicles is still subject to the Public Records Act (1 V.S.A. §§ 315–20) and must disclose “any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of [Department of Motor Vehicles] business” unless an exemption applies. • Driver’s Privacy Protection Act (federal law) provides some of the applicable exemptions.
Sec. 33	<p>Department of Motor Vehicles - Fees for public records requests requiring computer programming</p> <ul style="list-style-type: none"> • Clarifies that these are fees for public records requests for Department of Motor Vehicles records requiring custom computer programming and the re-running of such requests. • Changes fee structure to establish a minimum with an hourly rate (and not a flat fee) for the initial request requiring computer programming. <ul style="list-style-type: none"> ○ Fee is \$100 per hour, but not less than \$500, for initial request.
Sec. 34	<p>Effective dates</p> <ul style="list-style-type: none"> • Sections 2 (insurance term of license) and 3a (insurance license requirements) take effect on June 1, 2021. • Section 5 (Department of Fish and Wildlife license fees) and 6 (Department of Fish and Wildlife lifetime licenses) take effect on January 1, 2020. • Sections 30 (tax-advantages accounts for health expenses), 31 (rulemaking; report), and 34 (effective dates) shall take effect on passage, provided that the Department of Financial Regulation shall

	<p>adopt its final rule on or before September 1, 2020 regulating entities that administer HRAs, HSAs, or FSAs, or a combination of these.</p> <ul style="list-style-type: none">• Other sections take effect on July 1, 2019.
--	--