

HOUSE BILL NO. 137

INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SECURITIES REGISTRATION FEES TO ELIMINATE THE DISTINCTION BETWEEN IN-STATE AND OUT-OF-STATE SALESPERSONS OR INVESTMENT ADVISER REPRESENTATIVES; AMENDING SECTION 30-10-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 30-10-209, MCA, is amended to read:

"30-10-209. Fees. The following fees must be paid in advance under the provisions of parts 1 through 3 of this chapter:

(1) (a) For the registration of securities by notification, coordination, or qualification or for notice filing of a federal covered security, there must be paid to the commissioner for the initial year of registration or notice filing a fee of \$200 for the first \$100,000 of initial issue or portion of the first \$100,000 in this state, based on offering price, plus 1/10 of 1% for any excess over \$100,000, with a maximum fee of \$1,000.

(b) Each succeeding year, a registration of securities or a notice filing of a federal covered security may be renewed, prior to its termination date, for an additional year upon consent of the commissioner and payment of a renewal fee to be computed at 1/10 of 1% of the aggregate offering price of the securities that are to be offered in this state during that year. The renewal fee may not be less than \$200 or more than \$1,000. The registration or the notice filing may be amended to increase the amount of securities to be offered.

(c) If a registrant or issuer of federal covered securities sells securities in excess of the aggregate amount registered for sale in this state or for which a notice filing has been submitted, the registrant or issuer may file an amendment to the registration statement or notice filing to include the excess sales. If the registrant or issuer of a federal covered security fails to file an amendment before the expiration date of the registration order or notice, the registrant or issuer shall pay a filing fee for the excess sales of three times the amount calculated in the manner specified in subsection (1)(b). Registration or notice of the excess securities is

effective retroactively to the date of the existing registration or notice.

(d) Each series, portfolio, or other subdivision of an investment company or similar issuer is treated as a separate issuer of securities. The issuer shall pay a notice filing fee to be calculated as provided in subsections (1)(a) through (1)(c). The notice filing fee collected by the commissioner must be deposited in the state special revenue account provided for in 30-10-115. The issuer shall pay a fee of \$50 for each filing made for the purpose of changing the name of a series, portfolio, or other subdivision of an investment company or similar issuer.

(2) (a) For registration of a broker-dealer or investment adviser, the fee is \$400 for original registration and \$400 for each annual renewal.

(b) (i) For registration of a salesperson or investment adviser representative, the fee:

~~(A) — for an out-of-state salesperson or investment adviser representative is \$100 for original registration with each employer, \$100 for each annual renewal, and \$100 for each transfer; and~~

~~(B) — for an in-state salesperson or investment adviser representative is \$50 for original registration with each employer, \$50 for each annual renewal, and \$50 for each transfer.~~

(ii) A salesperson who is registered as an investment adviser representative with a broker-dealer registered as an investment adviser is not required to pay the fee in subsection (2)(b)(i)(A) or (2)(b)(i)(B) to register as an investment adviser representative.

(iii) A SALESPERSON OR INVESTMENT ADVISER REPRESENTATIVE WHO HAS PAID THE FEE FOR REGISTRATION, RENEWAL, OR TRANSFER REQUIRED BY THIS SECTION PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] IS NOT REQUIRED TO PAY A NEW OR ADDITIONAL FEE FOR A REGISTRATION, RENEWAL, OR TRANSFER THAT OCCURRED PRIOR TO [THE EFFECTIVE DATE OF THIS ACT].

(c) For a federal covered adviser, the fee is \$400 for the initial notice filing and \$400 for each annual renewal.

(3) For certified or uncertified copies of any documents filed with the commissioner, the fee is the cost to the department.

(4) For a request for an exemption under 30-10-105(15), the fee must be established by the commissioner by rule. For a request for any other exemption or an exception to the provisions of parts 1 through 3 of this chapter, the fee is \$100.

(5) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 may be refunded.

(6) (a) Except as provided in subsection (6)(b), all fees, miscellaneous charges, fines, and penalties collected by the commissioner pursuant to parts 1 through 3 of this chapter and the rules adopted under parts 1 through 3 of this chapter must be deposited in the general fund.

(b) From March 7, 2013, through June 30, 2027, the fees collected under subsection (1)(b), the notice filing fees provided for in subsection (1)(d), and the amounts collected for examination costs under 30-10-210 are subject to deposit as provided in 30-10-115(2). On or after July 1, 2027, the notice filing fees provided for in subsection (1)(d) and the amounts collected for examination costs under 30-10-210 are subject to deposit as provided in 30-10-115(2)."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 3. RETROACTIVE APPLICABILITY. [THIS ACT] APPLIES RETROACTIVELY, WITHIN THE MEANING OF 1-2-109, TO REGISTRATION FEES PAID ON OR AFTER MAY 9, 2019.

~~NEW SECTION. Section 3. Applicability. [This act] applies to registration fees paid to the commissioner of insurance and securities on or after [the effective date of this act].~~

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