

28 (f) maintain offices within this state; and
29 (g) employ any necessary hearing examiners, clerks, and other employees and agents.
30 (2) The department may adopt rules that supersede any provisions of this title [which] that
31 are or come into conflict with the Federal Credit Protection Act or its implementing Regulation
32 Z if the department:
33 (a) finds such a conflict to exist; and
34 (b) declares that the purpose of superseding this title is to resolve that conflict.
35 (3) Except for refund of an excess charge, no liability is imposed under this title for an act
36 done or omitted in conformity with the rule of the department, notwithstanding that after the act
37 or omission the rule may be amended or repealed or be determined by judicial or other competent
38 authority to be invalid for any reason.
39 (4) [~~No~~] A rule or any part of a rule adopted by the department under this title may not be
40 determined by any judicial or other authority to be invalid in whole or in part unless such judicial
41 or other authority expressly finds that the rule or part of the rule is arbitrary, capricious, and
42 constitutes an abuse of discretion, or exceeds the authority granted to the department by this title,
43 or is otherwise unlawful.
44 (5) The department shall coordinate with representatives of education, government, and
45 the financial services industry and assist in the preparation of an initiative to develop, implement,
46 and monitor a financial services education curriculum that is:
47 (a) to be made available to the public; and
48 (b) appropriate for use in the public schools.
49 (6) Beginning in 1999, the department shall report biennially by no later than November
50 30 to the Business, Labor, and Economic Development Interim Committee regarding:
51 (a) the need for consumer education programs administered by the department to promote
52 prudent and beneficial use of credit by consumers; and
53 (b) department efforts to promote the education of consumers with respect to credit
54 practices and problems, including:
55 (i) its efforts to coordinate, encourage, and assist public and private persons in developing
56 and operating voluntary educational and debt counseling programs; and
57 (ii) its activities under Subsection (5).
58 Section 3. Section **70C-8-107** is enacted to read:

59 **70C-8-107. Temporary or injunctive relief against unconscionable and fraudulent**
60 **conduct.**

61 (1) The department may bring a civil action to enjoin a person subject to this title from:

62 (a) making or enforcing a term of consumer credit transactions that is unconscionable;

63 (b) engaging in fraudulent conduct in inducing consumers to enter into a consumer credit
64 transaction; or

65 (c) engaging in conduct of the type specified in Subsection (1)(a) or (b) with respect to a
66 transaction that gives rise to or leads a person to believe will give rise to a consumer credit
67 transaction.

68 (2) An action brought pursuant to this section is subject to the requirements of Utah Rules
69 of Civil Procedure, Rule 65A.

Legislative Review Note
as of 11-24-98 2:30 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel