

1 **UNFAIR PRACTICES ACT AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill repeals the Unfair Practices Act.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ repeals the Unfair Practices Act;
- 11 ▶ amends provisions related to the Unfair Practices Act; and
- 12 ▶ makes technical and conforming changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 This bill provides a special effective date.

17 **Utah Code Sections Affected:**

18 **AMENDS:**

- 19 **13-2-1 (Superseded 12/31/23)**, as last amended by Laws of Utah 2022, Chapters 201
- 20 **13-2-1 (Effective 12/31/23)**, as last amended by Laws of Utah 2022, Chapters 201 and
- 21 462
- 22 **41-3-201**, as last amended by Laws of Utah 2018, Chapter 387
- 23 **59-14-509**, as enacted by Laws of Utah 2009, Chapter 341
- 24 **59-14-608**, as enacted by Laws of Utah 2005, Chapter 204
- 25 **59-14-808**, as enacted by Laws of Utah 2020, Chapter 347

26 **REPEALS:**

- 27 **13-5-1**, Utah Code Annotated 1953
- 28 **13-5-2**, Utah Code Annotated 1953
- 29 **13-5-2.5**, as last amended by Laws of Utah 1987, Chapter 161
- 30 **13-5-3**, as last amended by Laws of Utah 2010, Chapter 378
- 31 **13-5-4**, Utah Code Annotated 1953

- 32 **13-5-5**, Utah Code Annotated 1953
 33 **13-5-6**, Utah Code Annotated 1953
 34 **13-5-8**, as last amended by Laws of Utah 1993, Chapter 4
 35 **13-5-9**, as last amended by Laws of Utah 2008, Chapter 351
 36 **13-5-10**, Utah Code Annotated 1953
 37 **13-5-11**, Utah Code Annotated 1953
 38 **13-5-12**, as last amended by Laws of Utah 2010, Chapter 378
 39 **13-5-13**, Utah Code Annotated 1953
 40 **13-5-14**, as last amended by Laws of Utah 1983, Chapter 58
 41 **13-5-15**, as last amended by Laws of Utah 1983, Chapter 58
 42 **13-5-16**, as last amended by Laws of Utah 2010, Chapter 378
 43 **13-5-17**, Utah Code Annotated 1953
 44 **13-5-18**, Utah Code Annotated 1953

45

46 *Be it enacted by the Legislature of the state of Utah:*

47 Section 1. Section **13-2-1 (Superseded 12/31/23)** is amended to read:

48 **13-2-1 (Superseded 12/31/23). Consumer protection division established --**

49 **Functions.**

50 (1) There is established within the Department of Commerce the Division of Consumer
 51 Protection.

52 (2) The division shall administer and enforce the following:

53 ~~[(a) Chapter 5, Unfair Practices Act;]~~

54 ~~[(b)]~~ (a) Chapter 10a, Music Licensing Practices Act;

55 ~~[(c)]~~ (b) Chapter 11, Utah Consumer Sales Practices Act;

56 ~~[(d)]~~ (c) Chapter 15, Business Opportunity Disclosure Act;

57 ~~[(e)]~~ (d) Chapter 20, New Motor Vehicle Warranties Act;

58 ~~[(f)]~~ (e) Chapter 21, Credit Services Organizations Act;

59 ~~[(g)]~~ (f) Chapter 22, Charitable Solicitations Act;

60 ~~[(h)]~~ (g) Chapter 23, Health Spa Services Protection Act;

61 ~~[(i)]~~ (h) Chapter 25a, Telephone and Facsimile Solicitation Act;

62 ~~[(j)]~~ (i) Chapter 26, Telephone Fraud Prevention Act;

63 ~~[(k)]~~ (j) Chapter 28, Prize Notices Regulation Act;
 64 ~~[(h)]~~ (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
 65 Transaction Information Act;
 66 ~~[(m)]~~ (l) Chapter 34, Utah Postsecondary Proprietary School Act;
 67 ~~[(n)]~~ (m) Chapter 34a, Utah Postsecondary School State Authorization Act;
 68 ~~[(o)]~~ (n) Chapter 41, Price Controls During Emergencies Act;
 69 ~~[(p)]~~ (o) Chapter 42, Uniform Debt-Management Services Act;
 70 ~~[(q)]~~ (p) Chapter 49, Immigration Consultants Registration Act;
 71 ~~[(r)]~~ (q) Chapter 51, Transportation Network Company Registration Act;
 72 ~~[(s)]~~ (r) Chapter 52, Residential Solar Energy Disclosure Act;
 73 ~~[(t)]~~ (s) Chapter 53, Residential, Vocational and Life Skills Program Act;
 74 ~~[(u)]~~ (t) Chapter 54, Ticket Website Sales Act;
 75 ~~[(v)]~~ (u) Chapter 56, Ticket Transferability Act; and
 76 ~~[(w)]~~ (v) Chapter 57, Maintenance Funding Practices Act.

77 Section 2. Section **13-2-1 (Effective 12/31/23)** is amended to read:

78 **13-2-1 (Effective 12/31/23). Consumer protection division established --**

79 **Functions.**

80 (1) There is established within the Department of Commerce the Division of Consumer
 81 Protection.

82 (2) The division shall administer and enforce the following:

83 ~~[(a)] Chapter 5, Unfair Practices Act;~~

84 ~~[(b)]~~ (a) Chapter 10a, Music Licensing Practices Act;

85 ~~[(c)]~~ (b) Chapter 11, Utah Consumer Sales Practices Act;

86 ~~[(d)]~~ (c) Chapter 15, Business Opportunity Disclosure Act;

87 ~~[(e)]~~ (d) Chapter 20, New Motor Vehicle Warranties Act;

88 ~~[(f)]~~ (e) Chapter 21, Credit Services Organizations Act;

89 ~~[(g)]~~ (f) Chapter 22, Charitable Solicitations Act;

90 ~~[(h)]~~ (g) Chapter 23, Health Spa Services Protection Act;

91 ~~[(i)]~~ (h) Chapter 25a, Telephone and Facsimile Solicitation Act;

92 ~~[(j)]~~ (i) Chapter 26, Telephone Fraud Prevention Act;

93 ~~[(k)]~~ (j) Chapter 28, Prize Notices Regulation Act;

94 ~~(k)~~ (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
 95 Transaction Information Act;
 96 ~~(l)~~ (l) Chapter 34, Utah Postsecondary Proprietary School Act;
 97 ~~(m)~~ (m) Chapter 34a, Utah Postsecondary School State Authorization Act;
 98 ~~(n)~~ (n) Chapter 41, Price Controls During Emergencies Act;
 99 ~~(o)~~ (o) Chapter 42, Uniform Debt-Management Services Act;
 100 ~~(p)~~ (p) Chapter 49, Immigration Consultants Registration Act;
 101 ~~(q)~~ (q) Chapter 51, Transportation Network Company Registration Act;
 102 ~~(r)~~ (r) Chapter 52, Residential Solar Energy Disclosure Act;
 103 ~~(s)~~ (s) Chapter 53, Residential, Vocational and Life Skills Program Act;
 104 ~~(t)~~ (t) Chapter 54, Ticket Website Sales Act;
 105 ~~(u)~~ (u) Chapter 56, Ticket Transferability Act;
 106 ~~(v)~~ (v) Chapter 57, Maintenance Funding Practices Act; and
 107 ~~(w)~~ (w) Chapter 61, Utah Consumer Privacy Act.

108 Section 3. Section **41-3-201** is amended to read:

109 **41-3-201. Licenses required -- Restitution -- Education.**

110 (1) As used in this section, "new applicant" means a person who is applying for a
 111 license that the person has not been issued during the previous licensing year.

112 (2) A person may not act as any of the following without having procured a license
 113 issued by the administrator:

- 114 (a) a dealer;
- 115 (b) salvage vehicle buyer;
- 116 (c) salesperson;
- 117 (d) manufacturer;
- 118 (e) transporter;
- 119 (f) dismantler;
- 120 (g) distributor;
- 121 (h) factory branch and representative;
- 122 (i) distributor branch and representative;
- 123 (j) crusher;
- 124 (k) remanufacturer; or

125 (l) body shop.

126 (3) (a) Except as provided in Subsection (3)(c), a person may not bid on or purchase a
127 vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or
128 through a motor vehicle auction unless the person is a licensed salvage vehicle buyer.

129 (b) Except as provided in Subsection (3)(c), a person may not offer for sale, sell, or
130 exchange a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001
131 at or through a motor vehicle auction except to a licensed salvage vehicle buyer.

132 (c) A person may offer for sale, sell, or exchange a vehicle with a nonrepairable or
133 salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction:

134 (i) to an out-of-state or out-of-country purchaser not licensed under this section, but
135 that is authorized to do business in the domestic or foreign jurisdiction in which the person is
136 domiciled or registered to do business;

137 (ii) subject to the restrictions in Subsection (3)(d), to an in-state purchaser not licensed
138 under this section that:

139 (A) has a valid business license in Utah; and

140 (B) has a Utah sales tax license; and

141 (iii) to a crusher.

142 (d) (i) An operator of a motor vehicle auction shall verify that an in-state purchaser not
143 licensed under this section has the licenses required in Subsection (3)(c)(ii).

144 (ii) An operator of a motor vehicle auction may only offer for sale, sell, or exchange
145 five vehicles with a salvage certificate as defined in Section 41-1a-1001 at or through a motor
146 vehicle auction in any 12-month period to an in-state purchaser that does not have a salvage
147 vehicle buyer license issued in accordance with Subsection 41-3-202(17).

148 (iii) The five vehicle limitation under this Subsection (3)(d) applies to each Utah sales
149 tax license and not to each person with the authority to use a sales tax license.

150 (iv) An operator of a motor vehicle auction may not sell a vehicle with a nonrepairable
151 certificate as defined in Section 41-1a-1001 to a purchaser otherwise allowed to purchase a
152 vehicle under Subsection (3)(c)(ii).

153 (e) For a vehicle with a salvage certificate purchased under Subsection (3)(c)(ii), an
154 operator of a motor vehicle auction shall:

155 (i) (A) until Subsection (3)(e)(i)(B) applies, make application for a salvage certificate

156 of title on behalf of the Utah purchaser within seven days of the purchase if the purchaser does
157 not have a salvage vehicle buyer license, dealer license, body shop license, or dismantler
158 license issued in accordance with Section 41-3-202; or

159 (B) beginning on or after the date that the Motor Vehicle Division has implemented the
160 Motor Vehicle Division's GenTax system, make application electronically, in a form and time
161 period approved by the Motor Vehicle Division, for a salvage certificate of title to be issued in
162 the name of the purchaser;

163 (ii) give to the purchaser a disclosure printed on a separate piece of paper that states:

164 "THIS DISCLOSURE STATEMENT MUST BE GIVEN BY THE SELLER TO THE
165 BUYER EVERY TIME THIS VEHICLE IS RESOLD WITH A SALVAGE CERTIFICATE
166 Vehicle Identification Number (VIN)

167 Year: Make: Model:

168 SALVAGE VEHICLE--NOT FOR RESALE WITHOUT DISCLOSURE

169 WARNING: THIS SALVAGE VEHICLE MAY NOT BE SAFE FOR OPERATION
170 UNLESS PROPERLY REPAIRED. SOME STATES MAY REQUIRE AN INSPECTION
171 BEFORE THIS VEHICLE MAY BE REGISTERED. THE STATE OF UTAH MAY
172 REQUIRE THIS VEHICLE TO BE PERMANENTLY BRANDED AS A REBUILT
173 SALVAGE VEHICLE. OTHER STATES MAY ALSO PERMANENTLY BRAND THE
174 CERTIFICATE OF TITLE.

175 _____
176 Signature of Purchaser Date"; and

177 (iii) if applicable, provide evidence to the Motor Vehicle Division of:

178 (A) payment of sales taxes on taxable sales in accordance with Section 41-1a-510;

179 (B) the identification number inspection required under Section 41-1a-511; and

180 (C) the odometer disclosure statement required under Section 41-1a-902.

181 (f) The Motor Vehicle Division shall include a link to the disclosure statement
182 described in Subsection (3)(e)(ii) on its website.

183 (g) The commission may impose an administrative entrance fee established in
184 accordance with the procedures and requirements of Section 63J-1-504 not to exceed \$10 on a
185 person not holding a license described in Subsection (3)(e)(i) that enters the physical premises
186 of a motor vehicle auction for the purpose of viewing available salvage vehicles prior to an

187 auction.

188 (h) A vehicle sold at or through a motor vehicle auction to an out-of-state purchaser
189 with a nonrepairable or salvage certificate may not be certificated in Utah until the vehicle has
190 been certificated out-of-state.

191 (4) (a) An operator of a motor vehicle auction shall keep a record of the sale of each
192 salvage vehicle.

193 (b) A record described under Subsection (4)(a) shall contain:

194 (i) the purchaser's name and address; and

195 (ii) the year, make, and vehicle identification number for each salvage vehicle sold.

196 (c) An operator of a motor vehicle auction shall:

197 (i) provide the record described in Subsection (4)(a) electronically in a method
198 approved by the division to the division within two business days of the completion of the
199 motor vehicle auction;

200 (ii) retain the record described in this Subsection (4) for five years from the date of
201 sale; and

202 (iii) make a record described in this Subsection (4) available for inspection by the
203 division at the location of the motor vehicle auction during normal business hours.

204 (5) (a) An operator of a motor vehicle auction shall store a salvage vehicle sold at
205 auction in a secure facility until the salvage vehicle is claimed as provided in this section.

206 (b) Beginning at the time of purchase and until the salvage vehicle is claimed, the
207 motor vehicle auction operator may collect a daily storage fee for the secure storage of each
208 salvage vehicle sold at auction.

209 (c) Except as provided in Subsection (5)(d), before releasing possession of a salvage
210 vehicle purchased at a motor vehicle auction to a person not licensed under this part or certified
211 as a tow truck operator under Title 72, Chapter 9, Part 6, Tow Truck Provisions, and if the
212 person claiming the vehicle is a person other than the purchaser of the vehicle, the motor
213 vehicle auction operator shall create a record that shall contain:

214 (i) the name and address, as verified by government issued identification, of the person
215 claiming the vehicle;

216 (ii) the year, make, and vehicle identification number of the claimed vehicle;

217 (iii) a written statement from the person claiming the vehicle indicating the location

218 where the salvage vehicle will be delivered; and

219 (iv) verification that the claimant has authorization from the purchaser to claim the
220 vehicle.

221 (d) If the salvage vehicle is claimed by a transporter or a tow truck operator, the
222 transporter or the tow truck operator shall submit to the motor vehicle auction operator a
223 written record on any release forms indicating the location where the salvage vehicle will be
224 delivered if delivered within the state.

225 (e) An operator of a motor vehicle auction shall:

226 (i) retain the record described in Subsection (5)(c) for five years from the date of sale;
227 and

228 (ii) make the record available for inspection by the division at the location of the motor
229 vehicle auction during normal business hours.

230 (6) (a) If applicable, an operator of a motor vehicle auction shall comply with the
231 reporting requirements of the National Motor Vehicle Title Information System overseen by
232 the United States Department of Justice if the person sells a vehicle with a salvage certificate to
233 an in-state purchaser under Subsection (3)(c)(ii).

234 (b) The Motor Vehicle Division shall include a link to the National Motor Vehicle
235 Title Information System on its website.

236 (7) (a) An operator of a motor vehicle auction that sells a salvage vehicle to a person
237 that is an out-of-country buyer shall:

238 (i) stamp on the face of the title so as not to obscure the name, date, or mileage
239 statement the words "FOR EXPORT ONLY" in all capital, black letters; and

240 (ii) stamp in each unused reassignment space on the back of the title the words "FOR
241 EXPORT ONLY."

242 (b) The words "FOR EXPORT ONLY" shall be:

243 (i) at least two inches wide; and

244 (ii) clearly legible.

245 (8) A dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body
246 shop shall obtain a supplemental license, in accordance with Section 41-3-201.7 for each
247 additional place of business maintained by the licensee.

248 (9) (a) A person who has been convicted of any law relating to motor vehicle

249 commerce or motor vehicle fraud may not be issued a license or purchase a vehicle with a
250 salvage or nonrepairable certificate unless full restitution regarding those convictions has been
251 made.

252 (b) An operator of a motor vehicle auction, a dealer, or a consignor may not sell a
253 vehicle with a nonrepairable or salvage certificate to a buyer described in Subsection (9)(a) if
254 the division has informed the operator of the motor vehicle auction, the dealer, or the consignor
255 in writing that the buyer is prohibited from purchasing a vehicle with a nonrepairable or
256 salvage certificate under Subsection (9)(a).

257 (10) (a) The division may not issue a license to a new applicant for a new or used
258 motor vehicle dealer license, a direct-sale manufacturer license, a new or used motorcycle
259 dealer license, or a small trailer dealer license unless the new applicant completes an eight-hour
260 orientation class approved by the division that includes education on motor vehicle laws and
261 rules.

262 (b) The approved costs of the orientation class shall be paid by the new applicant.

263 (c) The class shall be completed by the new applicant and the applicant's partners,
264 corporate officers, bond indemnitors, and managers.

265 (d) (i) The division shall approve:

266 (A) providers of the orientation class; and

267 (B) costs of the orientation class.

268 (ii) A provider of an orientation class shall submit the orientation class curriculum to
269 the division for approval prior to teaching the orientation class.

270 (iii) A provider of an orientation class shall include in the orientation materials:

271 (A) ethics training;

272 (B) motor vehicle title and registration processes;

273 [~~(C) provisions of Title 13, Chapter 5, Unfair Practices Act, relating to motor vehicles;~~]

274 [~~(D)~~] (C) Department of Insurance requirements relating to motor vehicles;

275 [~~(E)~~] (D) Department of Public Safety requirements relating to motor vehicles;

276 [~~(F)~~] (E) federal requirements related to motor vehicles as determined by the division;

277 and

278 [~~(G)~~] (F) any required disclosure compliance forms as determined by the division.

279 (11) A person or purchaser described in Subsection (3)(c)(ii):

280 (a) may not purchase more than five salvage vehicles with a nonrepairable or salvage
281 certificate as defined in Section 41-1a-1001 in any 12-month period;

282 (b) may not, without first complying with Section 41-1a-705, offer for sale, sell, or
283 exchange more than two vehicles with a salvage certificate as defined in Section 41-1a-1001 in
284 any 12-month period to a person not licensed under this section; and

285 (c) may not, without first complying with Section 41-1a-705, offer for sale, sell, or
286 exchange a vehicle with a nonrepairable certificate as defined in Section 41-1a-1001 to a
287 person not licensed under this section.

288 (12) An operator of a motor vehicle auction, a dealer, or a consignor may not sell a
289 vehicle with a nonrepairable or salvage certificate to a buyer described in Subsection (11)(a) if
290 the division has informed the operator of the motor vehicle auction, the dealer, or the consignor
291 in writing that the buyer is prohibited from purchasing a vehicle with a nonrepairable or
292 salvage certificate under Subsection (11)(a).

293 Section 4. Section **59-14-509** is amended to read:

294 **59-14-509. Restrictions on mail order or Internet sales.**

295 (1) For purposes of this section:

296 (a) "Distributor" means a person, wherever residing or located, who:

297 (i) is licensed in this state to purchase non-taxed tobacco products; and

298 (ii) stores, sells, or otherwise disposes of tobacco products.

299 (b) "Licensed person" is as defined in Subsection 59-14-409(1).

300 (c) "Order or purchase" includes:

301 (i) by mail or delivery service;

302 (ii) through the Internet or computer network;

303 (iii) by telephone; or

304 (iv) through some other electronic method.

305 (d) "Retailer" means any person who sells tobacco products to consumers for personal
306 consumption.

307 (2) A person, distributor, manufacturer, or retailer shall not:

308 (a) cause tobacco products or cigarettes as defined in Section 59-22-202 to be ordered
309 or purchased by anyone other than a licensed person; or

310 (b) knowingly provide substantial assistance to a person who violates this section.

311 (3) (a) Each order or purchase of a tobacco product or cigarettes as defined in Section
312 59-22-202 in violation of Subsection (2) shall constitute a separate violation under this section.

313 (b) In addition to the penalties in Subsection (4), a person who violates this section is
314 subject to:

315 (i) a civil penalty in an amount not to exceed \$5,000 for each violation of this section;

316 (ii) an injunction to restrain a threatened or actual violation of this section; and

317 (iii) recovery by the state for:

318 (A) the costs of investigation;

319 (B) the cost of expert witness fees;

320 (C) the cost of the action; and

321 (D) reasonable attorney's fees.

322 (4) ~~[A] If a person [who] knowingly violates this section [has engaged in an unfair and~~
323 ~~deceptive trade practice in violation of Title 13, Chapter 5, Unfair Practices Act, and],~~ the court
324 shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged
325 and paid to the state treasurer for deposit in the General Fund.

326 Section 5. Section **59-14-608** is amended to read:

327 **59-14-608. License revocation and penalties.**

328 (1) (a) The commission may revoke or suspend the license of a stamping agent in the
329 manner provided in Section 59-14-202 if the commission determines that the stamping agent
330 has violated Sections 59-14-604, 59-14-606, or other rule adopted under the provisions of this
331 part.

332 (b) The penalty imposed under Subsection (1)(a) is in addition to or in lieu of any other
333 civil or criminal remedy provided by law.

334 (c) Each stamp affixed and each sale or offer to sell cigarettes in violation of Section
335 59-14-604, or other rule adopted under the provisions of this part, shall constitute a separate
336 violation.

337 (d) For each violation under Subsection (1)(c), the commissioner may, in addition to
338 the penalty imposed by Subsection (1)(a), impose a civil penalty in an amount not to exceed the
339 greater of 500% of the retail value of the cigarettes or \$5,000.

340 (2) (a) Any cigarettes that have been sold, offered for sale, or possessed for sale, in this
341 state, or imported for personal consumption in this state, in violation of Section 59-14-604 are:

- 342 (i) contraband under Section 59-14-213; and
343 (ii) subject to seizure and forfeiture as provided in Section 59-14-213.
344 (b) Cigarettes seized and forfeited under the provisions of this section shall be
345 destroyed and not resold.
- 346 (3) (a) The commission may seek an injunction to:
347 (i) restrain a threatened or actual violation of this part by a stamping agent; or
348 (ii) to compel the stamping agent to comply with this part.
- 349 (b) In any action brought pursuant to this section, the state is entitled to recover the
350 costs of investigation, costs of the action, and reasonable attorney fees.
- 351 ~~[(4) A person who violates Section 59-14-604 engages in an unfair and deceptive trade~~
352 ~~practice in violation of Title 13, Chapter 5, Unfair Practices Act.]~~
- 353 Section 6. Section **59-14-808** is amended to read:
354 **59-14-808. Restrictions on mail order or Internet sales.**
- 355 (1) For purposes of this section:
356 (a) "Distributor" means a person, wherever residing or located, who:
357 (i) is licensed in this state to purchase a non-taxed nicotine product or a non-taxed
358 electronic cigarette product; and
359 (ii) stores, sells, or otherwise disposes of a nicotine product or an electronic cigarette
360 product.
- 361 (b) "Licensed person" means the same as that term is defined in Section 59-14-409.
362 (c) "Order or purchase" includes:
363 (i) by mail or delivery service;
364 (ii) through the Internet or computer network;
365 (iii) by telephone; or
366 (iv) through some other electronic method.
- 367 (d) "Retailer" means any person who sells a nicotine product or an electronic cigarette
368 product to consumers for personal consumption.
- 369 (2) A person, distributor, manufacturer, or retailer shall not:
370 (a) cause a nicotine product or an electronic cigarette product to be ordered or
371 purchased by anyone other than a licensed person; or
372 (b) knowingly provide substantial assistance to a person who violates this section.

373 (3) (a) Each order or purchase of a nicotine product or an electronic cigarette product in
374 violation of Subsection (2) constitutes a separate violation under this section.

375 (b) In addition to the penalties in Subsection (4), a person who violates this section is
376 subject to:

377 (i) a civil penalty in an amount not to exceed \$5,000 for each violation of this section;

378 (ii) an injunction to restrain a threatened or actual violation of this section; and

379 (iii) recovery by the state for:

380 (A) the costs of investigation;

381 (B) the cost of expert witness fees;

382 (C) the cost of the action; and

383 (D) reasonable attorney's fees.

384 (4) ~~[A] If a person [who] knowingly violates this section, [has engaged in an unfair and~~
385 ~~deceptive trade practice in violation of Title 13, Chapter 5, Unfair Practices Act, and]~~ the court
386 shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged
387 and paid to the state treasurer for deposit in the General Fund.

388 Section 7. **Repealer.**

389 This bill repeals:

390 Section **13-5-1, Short title.**

391 Section **13-5-2, "Person" defined.**

392 Section **13-5-2.5, Procedure to prevent unfair competition.**

393 Section **13-5-3, Unlawful discriminations -- Burden of proof -- Taking or offering**
394 **commissions -- Payments for benefit of customers -- Discrimination among purchasers --**
395 **Inducing discriminations.**

396 Section **13-5-4, Return of net earnings or surplus by cooperatives to members.**

397 Section **13-5-5, "Commerce" defined.**

398 Section **13-5-6, Liability of agents.**

399 Section **13-5-8, Advertising goods not prepared to supply.**

400 Section **13-5-9, Limitation on quantity of article or product sold or offered for sale**
401 **to any one customer.**

402 Section **13-5-10, Cost -- Purchase price at forced sales.**

- 403 Section **13-5-11, Proceedings -- Local cost surveys as evidence.**
- 404 Section **13-5-12, Sales exempt from chapter.**
- 405 Section **13-5-13, Contracts in violation declared illegal.**
- 406 Section **13-5-14, Injunctive relief -- Damages -- Immunity.**
- 407 Section **13-5-15, Penalty for violation of chapter.**
- 408 Section **13-5-16, Separability clause.**
- 409 Section **13-5-17, Policy of act.**
- 410 Section **13-5-18, Cost -- Separate entities of business.**
- 411 Section 8. **Effective date.**
- 412 This bill takes effect on May 3, 2023, except that the amendments to Section 13-2-1
- 413 (Effective 12/31/23) take effect on December 31, 2023.