

Tyler Clancy proposes the following substitute bill:

Unfair and Deceptive Pricing Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill modifies provisions relating to unfair and deceptive pricing.

Highlighted Provisions:

This bill:

- defines terms;
- prohibits hidden fees by requiring the clear and conspicuous disclosure of the total price in an advertisement or an offer for a product;
- directs the Division of Consumer Protection to administer and enforce the chapter; and
- grants the Division of Consumer Protection the power to impose a fine and seek court relief.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

13-2-1 (Effective 07/01/26) (Superseded 07/01/26), as last amended by Laws of Utah 2025, Chapters 51, 181, 237, and 269

ENACTS:

13-82-101 (Effective 07/01/26), Utah Code Annotated 1953

13-82-102 (Effective 07/01/26), Utah Code Annotated 1953

13-82-103 (Effective 07/01/26), Utah Code Annotated 1953

13-82-104 (Effective 07/01/26), Utah Code Annotated 1953

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

Section 1. Section **13-2-1** is amended to read:

13-2-1 (Effective 07/01/26) (Superseded 07/01/26). Consumer protection division established -- Functions.

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

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

- (a) Chapter 10a, Music Licensing Practices Act;
- (b) Chapter 11, Utah Consumer Sales Practices Act;
- (c) Chapter 15, Business Opportunity Disclosure Act;
- (d) Chapter 20, New Motor Vehicle Warranties Act;
- (e) Chapter 21, Credit Services Organizations Act;
- (f) Chapter 22, Charitable Solicitations Act;
- (g) Chapter 23, Health Spa Services Protection Act;
- (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- (i) Chapter 26, Telephone Fraud Prevention Act;
- (j) Chapter 28, Prize Notices Regulation Act;
- (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;
- (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- (m) Chapter 41, Price Controls During Emergencies Act;
- (n) Chapter 42, Uniform Debt-Management Services Act;
- (o) Chapter 49, Immigration Consultants Registration Act;
- (p) Chapter 51, Transportation Network Company Registration Act;
- (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- (r) Chapter 53, Residential, Vocational [or] and Life Skills Program Act;
- (s) Chapter 54, Ticket Website Sales Act;
- (t) Chapter 56, Ticket Transferability Act;
- (u) Chapter 57, Maintenance Funding Practices Act;
- (v) Chapter 61, Utah Consumer Privacy Act;
- (w) Chapter 64, Vehicle Value Protection Agreement Act;
- (x) Chapter 65, Utah Commercial Email Act;
- (y) Chapter 67, Online Dating Safety Act;
- (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- (aa) Chapter 70, Automatic Renewal Contracts Act;

- (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health; and
- (dd) Chapter 78, Earned Wage Access Services Act~~[-]~~ ; and
- (ee) Chapter 82, Unfair and Deceptive Pricing Act.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to establish:

- (a) a public list that identifies a person that:
 - (i) violates a chapter described in Subsection (2);
 - (ii) without proper legal justification, fails to comply with an order, subpoena, judgment, or other legal process issued by:
 - (A) the division; or
 - (B) a court ~~[of competent]~~ with jurisdiction; or
 - (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance, or similar instrument signed by the person and the division; and
- (b) a process by which a person may be removed from the list the division establishes as described in Subsection (3)(a).

Section 2. Section **13-82-101** is enacted to read:

CHAPTER 82. Unfair and Deceptive Pricing Act

Part 1. General Provisions

13-82-101 (Effective 07/01/26). Definitions.

As used in this chapter:

- (1) "Clearly and conspicuously" means the same as that term is defined in the Code of Federal Regulations, Title 16, Chapter I, Subchapter D, Rule on Unfair or Deceptive Fees, Part 464.
- (2) "Consumer" means an individual who enters into a consumer transaction.
- (3) "Consumer transaction" means the same as that term is defined in Section 13-11-3.
- (4) "Final price" means the total price and any:
 - (a) government charge; and
 - (b) shipping charge.
- (5) "Government charge" means a fee that a government entity imposes on a product and includes a tax.
- (6)(a) "Mandatory ancillary charge" means a fee that a person requires a consumer to pay to purchase a product.

(b) "Mandatory ancillary charge" includes a fee that a person requires based on the form of payment that the consumer uses.

(c) "Mandatory ancillary charge" does not include:

(i) a fee for a utility;

(ii) a finance charge, a penalty, or interest, calculated as a percentage or fixed sum, for contractual non-compliance; or

(iii) a mandatory gratuity charge as a percentage of the total price of a consumer transaction if the mandatory gratuity charge is clearly and conspicuously disclosed before the consumer engages in the consumer transaction.

(7) "Pricing information" means information about the charges for a product.

(8) "Product" means a good, a service, a tangible property, or an intangible property that is the subject of a consumer transaction.

(9) "Shipping charge" means a fee that a person charges to send a product to a consumer.

(10) "Total price" means the total amount a consumer pays to a person for a product, including any mandatory ancillary charge.

(11)(a) "Utility" means a service a third party provides to a consumer who rents from a person and that the Division of Public Utilities regulates.

(b) "Utility" does not include:

(i) a service that a person charging rent includes in the rent amount; or

(ii) a service that a person charging rent controls.

Section 3. Section **13-82-102** is enacted to read:

13-82-102 (Effective 07/01/26). Hidden fees prohibited.

(1) A person shall clearly and conspicuously disclose the total price when, in the course of the person's business, vocation, or occupation, the person advertises, displays, or offers a price for a product.

(2) If a person displays the final price for a transaction in an offer, a display, or an advertisement, the person shall disclose the final price more prominently than any other pricing information.

(3)(a) A person may not misrepresent the purpose or the amount of a mandatory ancillary charge.

(b) A person may not inflate a government charge, a shipping charge, or a charge the person otherwise incurs.

Section 4. Section **13-82-103** is enacted to read:

13-82-103 (Effective 07/01/26). Exemptions.

(1) This chapter does not apply to a person that provides broadband internet access service, as defined in 47 C.F.R. Sec. 8.1(b), as a stand-alone service or as a part of a bundle, if the person complies with:

- (a) the broadband consumer label requirements described in 47 C.F.R. Sec. 8.1(a); and
- (b) the disclosure requirements described in 47 C.F.R. Sec. 64.2401, or 47 C.F.R. Sec. 76.310.

(2) This chapter does not apply to a financial institution or an affiliate of a financial institution governed by Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq.

(3) This chapter does not apply to a person with express preemption under federal law.

Section 5. Section **13-82-104** is enacted to read:

13-82-104 (Effective 07/01/26). Administration and enforcement -- Powers --
Legal counsel -- Fees.

(1) The division shall administer and enforce the provisions of this chapter in accordance with Chapter 2, Division of Consumer Protection.

(2)(a) In addition to the division's enforcement powers under Chapter 2, Division of Consumer Protection:

- (i) the division director may issue an order imposing an administrative fine of up to \$2,500 for each violation of this chapter; and
- (ii) the division may bring an action in a court with jurisdiction to enforce a provision of this chapter.

(b) In a court action the division brings to enforce a provision of this chapter, the court may, in addition to any other remedies the court awards, issue an order:

- (i) declaring that an act or practice violates a provision of this chapter;
- (ii) issuing an injunction for a violation of this chapter;
- (iii) disgorging the money received in violation of this chapter;
- (iv) directing payment of disgorged money to an injured consumer; or
- (v) imposing a fine of up to \$2,500 for each violation of this chapter.

(3) If a court with jurisdiction grants judgment or injunctive relief to the division, the court shall award the division:

- (a) reasonable attorney fees;
- (b) court fees; and
- (c) investigative fees.

(4)(a) In addition to fines described in Subsection (2), the division may impose a civil

164 penalty of up to \$5,000 for each violation of an administrative order or a court order
165 issued for a violation of this chapter.

166 (b) The division may impose a civil penalty authorized under this section through a civil
167 action.

168 (5) The division shall deposit money received for the payment of a fine or civil penalty
169 imposed under this section into the Consumer Protection Education and Training Fund
170 created in Section 13-2-8.

171 (6) Nothing in this chapter shall displace any other available remedies or rights authorized
172 by the laws of this state or the United States.

173 **Section 6. Effective Date.**

174 This bill takes effect on July 1, 2026.