

13-11-3 Definitions.

As used in this chapter:

- (1) "Charitable solicitation" means any request directly or indirectly for money, credit, property, financial assistance, or any other thing of value on the plea or representation that it will be used for a charitable purpose. A charitable solicitation may be made in any manner, including:
 - (a) any oral or written request, including a telephone request;
 - (b) the distribution, circulation, or posting of any handbill, written advertisement, or publication; or
 - (c) the sale of, offer or attempt to sell, or request of donations for any book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket, flower, flag, button, sticker, ribbon, token, trinket, tag, souvenir, candy, or any other article in connection with which any appeal is made for any charitable purpose, or where the name of any charitable organization or movement is used or referred to as an inducement or reason for making any purchase donation, or where, in connection with any sale or donation, any statement is made that the whole or any part of the proceeds of any sale or donation will go to or be donated to any charitable purpose. A charitable solicitation is considered complete when made, whether or not the organization or person making the solicitation receives any contribution or makes any sale.
- (2)
 - (a) "Consumer transaction" means a sale, lease, assignment, award by chance, or other written or oral transfer or disposition of goods, services, or other property, both tangible and intangible (except securities and insurance) to, or apparently to, a person for:
 - (i) primarily personal, family, or household purposes; or
 - (ii) purposes that relate to a business opportunity that requires:
 - (A) expenditure of money or property by the person described in Subsection (2)(a); and
 - (B) the person described in Subsection (2)(a) to perform personal services on a continuing basis and in which the person described in Subsection (2)(a) has not been previously engaged.
 - (b) "Consumer transaction" includes:
 - (i) any of the following with respect to a transfer or disposition described in Subsection (2)(a):
 - (A) an offer;
 - (B) a solicitation;
 - (C) an agreement; or
 - (D) performance of an agreement; or
 - (ii) a charitable solicitation.
- (3) "Enforcing authority" means the Division of Consumer Protection.
- (4) "Final judgment" means a judgment, including any supporting opinion, that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired.
- (5) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, cooperative, or any other legal entity.
- (6) "Supplier" means a seller, lessor, assignor, offeror, broker, or other person who regularly solicits, engages in, or enforces consumer transactions, whether or not he deals directly with the consumer.

Amended by Chapter 55, 2004 General Session