

Chapter 2
Division of Consumer Protection

Part 1
General Provisions

13-2-101 Definitions.

As used in this chapter:

- (1) "Director" means the director of the Division of Consumer Protection appointed under Section 13-2-103.
- (2) "Division" means the Division of Consumer Protection established in Section 13-2-102.

Enacted by Chapter 95, 2026 General Session

Renumbered 1/1/2027

13-2-102 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, Fitness Center 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 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;
 - (dd) Chapter 77, Generative Artificial Intelligence - Consumer Disclosures and Enforcement;
 - (ee) Chapter 78, Earned Wage Access Services Act;
 - (ff) Title 78B, Chapter 3, Part 10, Liability for Publishers and Distributors of Material Harmful to Minors;
 - (gg) Chapter 81, Utah Digital Choice Act;
 - (hh) Chapter 82, Feminine Hygiene Products; and
 - (ii) Chapter 83, Virtual Currency Kiosk Regulation.
- (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 or section 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 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).

Renumbered and Amended by Chapter 95, 2026 General Session

Effective 1/1/2027

13-2-102 Consumer protection division established -- Functions.

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 - (dd) Chapter 72c, Digital Content Provenance Standards Act;
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 - (A) the division; or
 - (B) a court of competent 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).

Amended by Chapter 95, 2026 General Session

13-2-103 Director of division -- Appointment.

- (1) The division shall be under the supervision, direction, and control of a director.
- (2) The director shall be appointed by the executive director of commerce with the approval of the governor.
- (3) The director shall hold office at the pleasure of the governor.

Renumbered and Amended by Chapter 95, 2026 General Session

13-2-104 Employment of personnel -- Compensation of director.

- (1) The director, with the approval of the executive director, may employ personnel necessary to carry out the duties and responsibilities of the division at salaries established by the executive director according to standards established by the Division of Human Resource Management.
- (2) The executive director shall establish the salary of the director according to standards established by the Division of Human Resource Management.

- (3) The director may employ specialists, technical experts, or investigators to participate or assist in an investigation if the investigation reasonably requires expertise beyond that normally required for division personnel.
- (4)
 - (a) Subject to Subsection (4)(b), the director may designate an investigator employed in accordance with Subsection (3) as a special function officer, as that term is defined in Section 53-13-105.
 - (b) An investigator designated as a special function officer in accordance with Subsection (4)(a) is not eligible for retirement benefits under the Public Safety Employee's Retirement System.

Renumbered and Amended by Chapter 95, 2026 General Session

13-2-105 Annual report -- Budget.

- (1) On or before October 1 of each year, the director in connection with the executive director shall report to the governor and the Legislature for the preceding fiscal year on the operations, activities, and goals of the division.
- (2) The director shall prepare and submit to the executive director a budget of the administrative expenses for the division.

Renumbered and Amended by Chapter 95, 2026 General Session

13-2-106 Powers of director.

The director may:

- (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, issue rules to administer and enforce a chapter or section listed in Section 13-2-102;
- (2) investigate conduct governed by the laws the division administers and enforces;
- (3) take administrative and judicial action against a person that violates the division rules and the laws the division administers and enforces, including the issuance of cease and desist orders;
- (4) coordinate, cooperate, and assist with business and industry desiring or attempting to correct unfair business practices between competitors;
- (5) provide consumer information and education to the public and assist an organization that provides consumer information and education to the public; and
- (6) coordinate with, assist, and utilize the assistance of federal, state, and local agencies in the performance of the director's duties and the protection of the public.

Renumbered and Amended by Chapter 95, 2026 General Session

13-2-107 Enforcement powers.

- (1) As used in this section, "transactional resources" means:
 - (a) a mail drop or mail box, regardless of whether the mail drop or mail box is located on the premises of a United States Post Office;
 - (b) a telephone or facsimile transmission device;
 - (c) an internet connection by a resident or inhabitant of this state with a resident- or nonresident-maintained internet site;
 - (d) a business office or private residence used for a business-related purpose;
 - (e) an account with or services of a financial institution;
 - (f) the services of a common or private carrier; or
 - (g) the use of a city, county, or state asset or facility, including a road or highway.

- (2) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the division may convene administrative hearings, issue cease and desist orders, and impose fines under all the chapters or sections identified in Section 13-2-102.
- (3) A person that intentionally violates a final cease and desist order entered by the division of which the person has notice is guilty of a third degree felony.
- (4) If the division has reasonable cause to believe that a person has violated or is violating any chapter or section listed in Section 13-2-102, the division may promptly issue the alleged violator a citation signed by the division's director or the director's designee.
 - (a) Each citation shall be in writing and shall:
 - (i) set forth with particularity the nature of the violation, including a reference to the statutory or administrative rule provision violated;
 - (ii) state that a request for review of the citation shall be made in writing and be received by the division no more than 20 calendar days after the day on which the division issues the citation;
 - (iii) state the consequences of failing to make a timely request for review; and
 - (iv) state all other information required by Subsection 63G-4-201(2).
 - (b) In computing a time period under this section, the following days may not be included:
 - (i) the day on which the division issues a citation; and
 - (ii) the day on which the division receives a request for review of a citation.
 - (c)
 - (i) Except as provided in Subsection (4)(c)(iii), if the presiding officer finds that there is not substantial evidence that the recipient violated a chapter or section listed in Section 13-2-102:
 - (A) the citation may not become final; and
 - (B) the division shall immediately vacate the citation and promptly notify the recipient in writing.
 - (ii) Except as provided in Subsection (4)(c)(iv), if the presiding officer finds that there is substantial evidence that the recipient violated a chapter or section listed in Section 13-2-102:
 - (A) the citation shall become final; and
 - (B) the division may enter a cease and desist order against the recipient.
 - (iii) For a citation issued for a violation of Chapter 41, Price Controls During Emergencies Act, if the presiding officer finds that there is not clear and convincing evidence that the recipient violated the chapter:
 - (A) the citation may not become final; and
 - (B) the division shall immediately vacate the citation and promptly notify the recipient in writing.
 - (iv) For a citation issued for a violation of Chapter 41, Price Controls During Emergencies Act, if the presiding officer finds that there is clear and convincing evidence that the recipient violated the chapter:
 - (A) the citation shall become final; and
 - (B) the division may enter a cease and desist order against the recipient.
 - (d)
 - (i) A citation issued under this chapter may be personally served upon a person upon whom a summons may be served in accordance with the Utah Rules of Civil Procedure.
 - (ii) A citation also may be served by first-class mail, postage prepaid.
 - (e)

- (i) If the recipient fails to make a request for review within 20 calendar days after the day on which the division issues the citation, the citation shall become the final order of the division.
- (ii) The period to contest the citation may be extended by the director for good cause shown.
- (f) If the chapter or section violated allows for an administrative fine, after a citation becomes final, the director may impose the administrative fine.
- (5) A person that has violated, is violating, or has attempted to violate a chapter or section identified in Section 13-2-102 is subject to the division's jurisdiction if:
 - (a) the violation or attempted violation is committed wholly or partly within the state;
 - (b) conduct committed outside the state constitutes an attempt to commit a violation within the state; or
 - (c) transactional resources located within the state are used by the offender to directly or indirectly facilitate a violation or attempted violation.
- (6) The director or the director's designee, for the purposes outlined in a chapter administered by the division, may administer oaths, issue subpoenas, compel the attendance of witnesses, conduct audits, compel sworn responses to written questions, or compel the production of papers, books, accounts, documents, or evidence.
- (7)
 - (a) An administrative action filed under this chapter or a chapter or section listed in Section 13-2-102 shall be commenced no later than 10 years after the day on which the alleged violation occurs.
 - (b) A civil action filed under this chapter or a chapter or section listed in Section 13-2-102 shall be commenced no later than five years after the day on which the alleged violation occurs.
 - (c) The provisions of this Subsection (7) control over the provisions of Title 78B, Chapter 2, Statutes of Limitations.
- (8) When granting a judgment in the division's favor in connection with the division's exercise of any authority described in Section 13-2-106 or 13-2-107, a court shall award:
 - (a) reasonable attorney fees;
 - (b) court costs;
 - (c) costs of investigation; and
 - (d) any other relief the court deems appropriate.

Renumbered and Amended by Chapter 95, 2026 General Session

13-2-108 Violation of restraining or injunctive order -- Civil penalty.

If a person violates a restraining order, a chapter or section the division administers, or an injunction granted under this chapter, the division may submit a motion for, or the court on the court's own motion, may impose a civil penalty of not more than \$2,000 for each day a person violates a temporary restraining order, preliminary injunction or permanent injunction issued under this chapter, if the person receives notice of the restraining or injunctive order.

Renumbered and Amended by Chapter 95, 2026 General Session

13-2-109 Consumer Protection Education and Training Fund.

- (1) There is created an expendable special revenue fund known as the "Consumer Protection Education and Training Fund."
- (2)

- (a) Unless otherwise provided by a chapter or section listed in Section 13-2-102, the division shall deposit into the Consumer Protection Education and Training Fund all money not distributed as consumer restitution that the division receives from:
 - (i) administrative fines and settlements;
 - (ii) criminal restitution; or
 - (iii) civil damages, forfeitures, penalties, and settlements when the division receives the money on the division's own behalf and not in a representative capacity.
- (b) The division may maintain any portion of the Consumer Protection Education and Training Fund in an interest-bearing account.
- (c) The division shall deposit all interest earned on fund money into the Consumer Protection Education and Training Fund.
- (3) Notwithstanding Title 63J, Chapter 1, Budgetary Procedures Act, the division may use the Consumer Protection Education and Training Fund with the approval of the executive director of the Department of Commerce in a manner consistent with the duties of the division under this chapter for:
 - (a) consumer protection education for members of the public;
 - (b) equipment for and training of division personnel;
 - (c) publication of consumer protection brochures, laws, policy statements, or other material relevant to the division's enforcement efforts; and
 - (d) investigation and litigation undertaken by the division.
- (4) If the balance in the Consumer Protection Education and Training Fund exceeds \$1,000,000 at the close of any fiscal year, the division shall transfer the excess to the General Fund.

Renumbered and Amended by Chapter 95, 2026 General Session

13-2-110 Internet -- Consumer education.

- (1) The Division of Consumer Protection shall, subject to appropriation, contract with a person to make public service announcements advising consumers about the dangers of using the Internet, especially:
 - (a) material harmful to minors;
 - (b) steps a consumer may take to learn more about the dangers of using the Internet;
 - (c) information about how a service provider can help a consumer learn more about the dangers of using the Internet, including the service provider's duties created by this bill; and
 - (d) how a consumer can monitor the Internet usage of family members.
- (2) Money appropriated under Subsection (1) shall be paid by the Division of Consumer Protection to a person only if:
 - (a) the person is a nonprofit organization; and
 - (b) the person agrees to spend private money amounting to two times the amount of money provided by the Division of Consumer Protection during each fiscal year in accordance with Subsection (1).
- (3) In administering any money appropriated for use under this section, the Division of Consumer Protection shall comply with Title 63G, Chapter 6a, Utah Procurement Code.

Renumbered and Amended by Chapter 95, 2026 General Session

13-2-111 Social credit score reporting system -- Rulemaking -- Referral to other agencies.

- (1) As used in this section:
 - (a) "Financial institution" means the same as that term is defined in Section 7-1-103.

- (b) "Social credit score" means the same as that term is defined in Section 63G-29-101.
- (2) The division shall:
 - (a) establish and operate a system to receive consumer reports regarding a financial institution's or company's use or creation of a social credit score; and
 - (b) before November 1 of each year, submit a written report to the Business and Labor Interim Committee that summarizes the reports received during the immediately preceding year that indicate a financial institution or company used a social credit score to discriminate against, advocate for, or cause adverse or preferential treatment of a person.
- (3) The division may:
 - (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish and operate the system described in Subsection (2); and
 - (b) as appropriate, refer a consumer who provides a report through the system described in Subsection (2) to the Department of Financial Institutions or another agency for investigation of the report or other action.

Renumbered and Amended by Chapter 95, 2026 General Session

13-2-112 Publication of consumer complaints.

- (1) As used in this section:
 - (a) "Consumer complaint" means a complaint that:
 - (i) is provided to the division;
 - (ii) alleges facts relating to conduct that the division regulates under Section 13-2-102; and
 - (iii) may contain:
 - (A) information that identifies a respondent; and
 - (B) a narrative description of and information relevant to the conduct described in Subsection (1)(a)(ii).
 - (b) "Consumer narrative" means the narrative description contained in a consumer complaint as described in Subsection (1)(a)(iii)(B).
 - (c) "Filer" means a person who files a consumer complaint.
 - (d) "Respondent" means a person against whom a filer files a consumer complaint.
- (2)
 - (a) A consumer complaint is a protected record as provided in Subsection 63G-2-305(87).
 - (b) In carrying out the division's duties, the division may not publicly disclose the identity of a person the division investigates unless:
 - (i) the person's identity becomes a matter of public record in an enforcement proceeding; or
 - (ii) the person consents to public disclosure.
- (3) Notwithstanding Subsection (2):
 - (a) the division may reclassify a consumer complaint as public if:
 - (i)
 - (A) the consumer complaint is one of at least 10 consumer complaints filed with the division against the same person, alleging the same or similar conduct, and during the 12-month period immediately preceding the day on which the filer files the consumer complaint;
 - (B) the consumer complaint does not contain information that an agreement with another state or federal agency or a condition of participation in an investigation or litigation requires the division keep confidential;
 - (C) the consumer complaint is not classified as controlled, private, or protected as described in Sections 63G-2-302 through 63G-2-305, for a reason other than that identified by Subsection 63G-2-305(87); and

- (D) access to the record is not restricted as described by Subsection 63G-2-201(3)(b); or
- (ii) the division takes public enforcement action against a respondent as a result of the consumer complaint; and
- (b) the division may disclose a consumer complaint to the respondent.
- (4) In determining the number of complaints against the same person in accordance with Subsection (3)(a)(i)(A), the division may consider consumer complaints that are filed against multiple entities under common ownership as consumer complaints against the same person.
- (5) A respondent's initial, written response to a consumer complaint that is public under Subsection (3) is a public record.
- (6) Before making a consumer complaint that the division reclassifies as public under Subsection (3), or a response described in Subsection (5), available to the public, the division:
 - (a) shall redact from the consumer complaint or the response any information that would disclose:
 - (i) the filer's:
 - (A) address;
 - (B) social security number;
 - (C) bank account information;
 - (D) email address; or
 - (E) telephone number; or
 - (ii) information similar in nature to the information described in Subsection (6)(a)(i); and
 - (b) may redact the filer's name and any other information that could, in the division's judgment, disclose the filer's identity.
- (7) If the division discloses the consumer complaint to the respondent as described in Subsection (3)(b), the division may redact the filer's:
 - (a) bank account information;
 - (b) social security number;
 - (c) name and any other information that could, in the division's judgment, disclose the filer's identity, if the filer requests anonymity; and
 - (d) other information the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.
- (8) Nothing in this section precludes the division from disclosing a consumer complaint in accordance with Section 63G-2-201.

Renumbered and Amended by Chapter 95, 2026 General Session