

13-28-2 Definitions.

For the purpose of this part:

- (1) "Division" means the Division of Consumer Protection in the Department of Commerce.
- (2) "Prize" means a gift, award, or other item or service of value.
- (3)
 - (a) "Prize notice" means a notice given to an individual in this state that satisfies all of the following:
 - (i) is or contains a representation that the individual has been selected or may be eligible to receive a prize; and
 - (ii) conditions receipt of a prize on a payment or donation from the individual or requires or invites the individual to make a contact to learn how to receive the prize or to obtain other information related to the notice.
 - (b) "Prize notice" does not include:
 - (i) a notice given at the request of the individual; or
 - (ii) a notice informing the individual that he or she has been awarded a prize as a result of his actual prior entry in a game, drawing, sweepstakes, or other contest if the individual is awarded the prize stated in the notice.
- (4) "Solicitor" means a person who represents to an individual that the individual has been selected or may be eligible to receive a prize.
- (5) "Sponsor" means a person on whose behalf a solicitor gives a prize notice.
- (6) "Verifiable retail value" of a prize means:
 - (a) a price at which the solicitor or sponsor can demonstrate that a substantial number of the prizes have been sold by a person other than the solicitor or sponsor in the trade area in which the prize notice is given; or
 - (b) if the solicitor or sponsor is unable to satisfy Subsection (6)(a), no more than 1.5 times the amount the solicitor or sponsor paid for the prize.

Amended by Chapter 324, 2010 General Session