

Effective 5/13/2014

70C-1-202 Exempted transactions.

- (1) Notwithstanding the exceptions in Subsection (2), parties to a credit transaction that is otherwise exempt from this title may explicitly agree in writing that the transaction is subject to this title. The agreement shall specifically reference Title 70C, Utah Consumer Credit Code.
- (2) This title does not apply to any of the following:
 - (a) an extension of credit:
 - (i) primarily for business, commercial, or agricultural purposes; or
 - (ii) to other than a natural person including government agencies or instrumentalities;
 - (b) a closed-end extension of credit secured by a first lien or equivalent security interest on a dwelling or building lot;
 - (c) a transaction in securities or commodities accounts in which credit is extended by a broker-dealer registered with the:
 - (i) Securities and Exchange Commission; or
 - (ii) Commodity Futures Trading Commission;
 - (d) an extension of credit:
 - (i) not secured by:
 - (A) real property; or
 - (B) personal property used or expected to be used as the principal dwelling of the consumer; and
 - (ii)
 - (A) in which the amount financed exceeds \$50,000 adjusted annually for inflation by the commissioner by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers; or
 - (B) in which there is an express written commitment to extend credit in excess of the amount determined under Subsection (2)(d)(ii)(A);
 - (e) a transaction under public utility or common carrier tariffs if a subdivision of this state or the United States regulates:
 - (i) the charges for the services involved;
 - (ii) the charges for delayed payment; and
 - (iii) a discount allowed for early payment;
 - (f) the sale of insurance by an insurer except as otherwise provided in Chapter 6, Insurance;
 - (g) a transaction with a party acting as a pawnbroker and licensed by any governmental authority in this state;
 - (h)
 - (i) a loan made, insured, or guaranteed pursuant to a program authorized by Title IV of the Higher Education Act of 1965, 20 U.S.C. Sec. 1070, et seq.; or
 - (ii) a loan:
 - (A) that finances tuition and other expenses:
 - (I) charged in connection with enrollment:
 - (Aa) at a public or proprietary preprimary, secondary, vocational, or postsecondary school; or
 - (Bb) in any tutorial, continuing education, test preparation, distance-learning, or similar program; and
 - (II) including:
 - (Aa) tuition;
 - (Bb) fees;
 - (Cc) books;

(Dd) housing; and

(Ee) other expenses;

(B) that is:

(I) made, insured, or guaranteed under a state program; or

(II) made by a federally insured depository institution; and

(C) including a loan that consolidates or refinances a loan described in this Subsection (2)(h)

(ii); and

(i) a rental purchase agreement as defined in Section 15-8-3.

Amended by Chapter 97, 2014 General Session