



House of Representatives *State of Utah*

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January 23, 2003

Mr. Speaker:

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 40**, PROTECTION OF NONPUBLIC PERSONAL INFORMATION, by Representative D. Aagard, with the following amendments:

1. Page 1, Line 1: Delete "**PROTECTION OF**" and insert "**NOTICE OF INTENT TO SELL**"
2. Page 1, Line 19: Delete "**PROTECTION OF**" and insert "**NOTICE OF INTENT TO SELL**"
3. Page 1, Line 22: Delete "Protection of" and insert "Notice of Intent to Sell"
4. Page 2, Line 31: After "(2)" delete "Commercial" and insert "(a) Subject to Subsection (2)(b), commercial"
5. Page 2, Line 32: After line 32 insert:
"(b) Commercial entity" does not include:
(i) a governmental entity; or
(ii) an entity providing services on behalf of a governmental entity."
6. Page 2, Line 55: After line 55 insert:
"(c) Consumer transaction" does not include a transaction related to real property."
7. Page 4, Lines 92-97: Delete lines 92-97 and insert:
"(C) is not compensation received by the commercial entity in consideration of a transaction described in Subsection (5)."
8. Pages 4-5, Lines 119-125: Delete lines 119-125 and insert:
"(4) This chapter does not apply if:
(a) a commercial entity discloses nonpublic personal information to a third party;
(b) the commercial entity is subject to a federal law or regulation that governs the disclosure of nonpublic information to a third party; and
(c) the disclosure of nonpublic information to a third party complies with or is authorized by the federal law or regulation described in Subsection (4)(b)."

Bill Number



HB0040

Action Class



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Action Code



HCRAMD

9. Page 5, Line 125: After line 125 insert:
"(5) Notwithstanding the other provisions of this section, a commercial entity is not required to provide notice under this section if:
(a) the disclosure of the nonpublic personal information is related to the third party providing to the commercial entity:
(i) services;
(ii) personal or real property; or
(iii) other thing of value; and
(b) compensation received by the commercial entity as part of the transaction is received by the commercial entity for or in consideration of the transaction described in Subsection (5)(a)."
10. Page 5, Line 130: After "obtained" insert "on or after May 5, 2003."

Respectfully,

Stephen H. Urquhart
Committee Chair

Voting: 7-0-5

