

Senator Mike Dmitrich proposes the following substitute bill:

UNFAIR BUSINESS PRACTICES

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Mike Dmitrich

Ron Allen

Curtis S. Bramble

LONG TITLE

General Description:

This bill enacts provisions within the Utah Criminal Code related to unfair business practices.

Highlighted Provisions:

This bill:

- ▶ defines unfair business practices;
- ▶ provides criminal penalties for unfair business practices; and
- ▶ provides a private right of action for a person injured by unfair business practices.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-10-906.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-10-906.5** is enacted to read:



26 76-10-906.5. Unfair business practice defined -- Criminal penalties -- Private
27 **action.**

28 (1) As used in this section, "unfair business practice" means a business act or practice
29 that:

30 (a) is unlawful, unfair, or fraudulent; and

31 (b) leads to a material diminution in value of intangible property.

32 (2) A person who commits an unfair business practice is guilty of:

33 (a) a class A misdemeanor for an unfair business practice that leads to a diminution in
34 value of intangible property that is less than or equal to \$20,000; or

35 (b) a third degree felony for an unfair business practice that leads to a diminution in
36 value of intangible property that is greater than \$20,000.

37 (3) (a) In addition to the penalties under Subsection (2), a person injured by an unfair
38 business practice may bring a private cause of action against a person who engages in an unfair
39 business practice.

40 (b) In an action under Subsection (3)(a), a person injured by an unfair business practice
41 may recover:

42 (i) actual damages;

43 (ii) costs and attorney fees; and

44 (iii) if the court determines that the circumstances are appropriate, punitive damages.