

# H.B. 186

## CONSUMER PROTECTION AMENDMENTS

Representative **Sheryl L. Allen** proposes the following amendments:

1. *Page 10, Lines 301 through 305:*

301 (b) The bond, letter of credit, or certificate of deposit shall be payable to the division  
302 for the benefit of any consumer who incurs damages as the result of:  
303 (i) the health spa's violation of this chapter; or  
304 (ii) [~~as the result of~~] the health spa's going out of business or relocating and failing to  
305 offer an alternate location within ~~{ten}~~ five miles.

2. *Page 13, Lines 384 through 388:*

384 (3) (a) In addition to any other penalty available under this chapter, a person who  
385 violates this chapter is subject to:  
386 (i) a cease and desist order; and  
387 (ii) an administrative fine of up to \$2,500 for each separate violation that is not a  
388 violation described in Subsection 13-23-5(2)(e) **up to \$10,000 for any series of violations arising out of the**  
**same operative facts** .

3. *Page 14, Lines 421 through 424:*

421 13-25a-107.2. Requests to a specific telephone solicitor.  
422 (1) A telephone solicitor may not make or cause to be made a telephone solicitation to a  
423 person who has informed the telephone solicitor, either in writing or orally, that the person  
424 does not wish to receive a telephone call from the telephone solicitor.  
(2) A telephone solicitor is not liable for a violation of this section if the telephone solicitor  
complies with 16 C.F.R. Part 310.4(b)(3) and (4).

4. *Page 16, Line 491 through Page 17, Line 498:*

491 13-26-3. Registration and bond required.  
492 (1) (a) ~~{Each}~~ Unless exempt under Section 13-26-4, each telephone soliciting business  
[engaging in telephone solicitation or sales in  
493 this state] shall register annually with the [Division of Consumer Protection prior to doing or  
494 continuing to do business in this state] division before engaging in telephone solicitations if:  
495 (i) the telephone soliciting business engages in telephone solicitations that:  
496 (A) originate in Utah; or

497            (B) are received in Utah; or  
498            (ii) the telephone soliciting business conducts any business operations in Utah.

5. *Page 19, Lines 577 through 578:*

577            (f) to fail to orally advise a purchaser of the purchaser's right to cancel under Section  
578    13-26-5 unless the solicitor is exempt under Section 13-26-4 .