

# 1st Sub. H.B. 61

## PORTABLE ELECTRONICS INSURANCE RELATED AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 21, 2012 11:00 AM

Senator **John L. Valentine** proposes the following amendments:

1. Page 1, Line 25 through Page 2, Line 26:

- 25 • addressing terminating or changing a portable electronics insurance policy; ~~{and}~~
- 26 • addressing billing; **and**
  - **addressing applicability of provisions;**

2. Page 2, Lines 48 through 49:

- 48 31A-22-1809, Utah Code Annotated 1953  
**31A-22-1810, Utah Code Annotated 1953**
- 49 31A-26-216, Utah Code Annotated 1953

3. Page 39, Lines 1183 through 1188:

- 1183 (b) "Portable electronics insurance" does not include:
  - (i) a manufacturer's or vendor's warranty;**
- 1184 ~~{(i)}~~ **(ii)** a service contract ~~{governed by Chapter 6a, Service Contracts}~~ ;
- 1185 ~~{(ii)}~~ **(iii)** a policy of insurance covering a vendor's or manufacturer's obligations under a
- 1186 warranty; or
- 1187 ~~{(iii)}~~ **(iv)** a homeowner's, renter's, private passenger motor vehicle, commercial multi-peril,
- 1188 or similar policy.

4. Page 39, Lines 1192 through 1198:

- 1192 portable electronics.
  - (7) "Service contract" means a contract or agreement for the repair or maintenance of goods or property, for their operational or structural failure due to a defect in materials, workmanship, or normal wear and tear, with or without additional provisions for incidental payment of indemnity under limited circumstances.**
- 1193 ~~{(7)}~~ **(8)** "Supervising entity" mean a business entity that is:
  - 1194 (a) a licensed insurer; or
  - 1195 (b) an insurance producer that is appointed by an insurer to supervise the
  - 1196 administration of a portable electronics insurance program.
- 1197 ~~{(8)}~~ **(9)** "Vendor" means a person in the business of engaging in portable electronics
- 1198 transactions directly or indirectly.

(10) "Warranty" means a promise made solely by the manufacturer, importer, seller, or lessor of property or services without consideration, that is not negotiated or separated from the sale of the product and is incidental to the sale of the product, that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or other remedial measures, such as repair or replacement of the property or repetition of services.

5. Page 46, Lines 1390 through 1391:

1390 vendor in a fiduciary capacity for the benefit of the insurer.

1391 (4) A vendor may receive compensation for billing and collection services.

Section. 11. Section **31A-22-1810** is enacted to read:

**31A-22-1810. Applicability.**

This part is not applicable to a loan or lease originated by a federally insured depository institution, or a subsidiary or affiliate of a federally insured depository institution, or originated by any other entity as part of a plan to sell or assign an interest in the loan or lease to a federally insured depository institution, or a subsidiary or affiliate of a federally insured depository institution.

**Renumber remaining sections accordingly**