

CAR WASH BILLING RESTRICTIONS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits a self-service car wash that uses a time-based charging system from charging more than \$20 per financial transaction card authorization.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ provides that a self-service car wash that charges a person to clean a passenger vehicle using a time-based charging system may not charge more than \$20 per financial transaction card authorization.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

13-50-101, Utah Code Annotated 1953

13-50-102, Utah Code Annotated 1953

13-50-201, Utah Code Annotated 1953

13-50-202, Utah Code Annotated 1953



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

29 Section 1. Section **13-50-101** is enacted to read:

30 **CHAPTER 50. CAR WASH ACT**

31 **Part 1. General Provisions**

32 **13-50-101. Title.**

33 (1) This chapter is known as the "Car Wash Act."

34 (2) This part is known as "General Provisions."

35 Section 2. Section **13-50-102** is enacted to read:

36 **13-50-102. Definitions.**

37 As used in this chapter:

38 (1) "Authorization" means that a person authorizes a charge to be made on a financial
39 transaction card by swiping the card, entering the card's number, or taking other action to make
40 payment.

41 (2) "Car wash" means a business that charges a person to clean a vehicle, unless more
42 than 50% of the profits of the business come from cleaning commercial vehicles.

43 (3) "Commercial vehicle" means a vehicle or combination of vehicles designed or used
44 to transport passengers or property, if the vehicle:

45 (a) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as
46 determined by federal regulation; or

47 (b) is designed to transport 16 or more passengers, including the driver.

48 (4) "Financial transaction card" is as defined in Section 13-38-101.

49 (5) "Self-service car wash" means a car wash where a person, other than an employee
50 or agent of the car wash, performs the majority of the work to clean the vehicle.

51 (6) (a) "Time-based charging system" means a payment system that:

52 (i) requires a person to pay with a financial transaction card before using equipment or
53 supplies;

54 (ii) keeps track of the amount of time that a person uses the equipment or supplies;

55 (iii) calculates the charge for using the equipment or supplies based on the amount of
56 time that the person uses the equipment or supplies; and

57 (iv) continues to assess charges until:

58 (A) a person takes action to stop charges from accruing;

59 (B) a programmed time limit is reached; or

60 (C) a programmed charge amount is reached.

61 (b) "Time-based charging system" does not include a payment system where a person
62 purchases a fixed amount of time to use equipment or supplies, if the person knows the amount
63 of time, and the amount that will be charged, before the person pays with a financial transaction
64 card.

65 (7) (a) "Vehicle" means a self-propelled device designed or used to transport a person
66 or property.

67 (b) "Vehicle" does not include:

68 (i) a device used exclusively on stationary rails or tracks; or

69 (ii) an aircraft.

70 Section 3. Section **13-50-201** is enacted to read:

71 **Part 2. Self-service Car Wash**

72 **13-50-201. Title.**

73 This part is known as "Self-service Car Wash."

74 Section 4. Section **13-50-202** is enacted to read:

75 **13-50-202. Limitation on time-based charging system.**

76 A self-service car wash that charges a person to clean a vehicle, using a time-based
77 charging system, may not charge more than \$20 per authorization.

Legislative Review Note
as of 1-17-13 11:49 AM

Office of Legislative Research and General Counsel