

HB0431S01 compared with HB0431

~~{deleted text}~~ shows text that was in HB0431 but was deleted in HB0431S01.

inserted text shows text that was not in HB0431 but was inserted into HB0431S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Cheryl K. Acton proposes the following substitute bill:

SOCIAL CREDIT SCORE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions prohibiting certain actions in relation to a social credit score.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a person from directly or indirectly using, enforcing, providing data for use in, or otherwise participating in the creation or use of a system that ~~{based on}~~ uses a social credit score ~~{discriminates against, advocates for, or causes adverse treatment of a person};~~

~~→ prohibits a financial institution from collecting, evaluating, reporting, or maintaining in records of a person the credit worthiness, credit standing, or credit capacity of members of the person's social network for purposes of determining the~~

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~~credit worthiness of the person;~~

~~— empowers the attorney general to enforce provisions related to social credit scores;~~

~~— establishes a civil cause of action for a person injured by a prohibited act related to a social credit score} for certain actions; and~~

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

13-61-101, Utah Code Annotated 1953

13-61-201, Utah Code Annotated 1953

~~{ **13-61-202**, Utah Code Annotated 1953~~

~~— **13-61-301**, Utah Code Annotated 1953~~

~~— **13-61-302**, Utah Code Annotated 1953~~

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

Section 1. Section **13-61-101** is enacted to read:

CHAPTER 61. SOCIAL CREDIT SCORE PROHIBITION ACT

Part 1. General Provisions

13-61-101. Definitions.

(1) "Employer" means:

(a) the state;

(b) a county, city, town, and school district in the state; and

(c) a person, including a public utility, having one or more workers or operatives regularly employed in the same business, or in or about the same establishment, under a contract of hire.

(2) "~~{Financial institution}~~ Governmental entity" means the same as that term is defined in Section ~~{7-1-103}~~.

~~— (3) "Governmental entity" means the same as that term is defined in Section~~

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~~63D-2-102.~~

~~(4) "Members of a person's social network" means the people a person authorizes as part of the person's social media communications and network.~~

~~(5) 63D-2-102.~~

(3) "Place of public accommodation" means the same as that term is defined in Section 13-7-2.

(~~6~~4) (a) "Social credit score" means a numeric, alphanumeric, or alphabetic value or other categorization assigned to a person based on a subjective or arbitrary behavior, action, or standard, including:

(~~a~~i) compliance with government or bureaucratic guidance;

(~~b~~ii) compliance with a regulatory standard;

(~~c~~iii) a social media post;

(~~d~~iv) participation or membership in a club, association, or union;

(~~e~~v) ~~political~~ political affiliation; and

(~~f~~vi) who the person's employer is ~~}; and~~

~~(g) who the members of the person's social network are};~~

(b) "Social credit score" does not include a consumer report as defined in 15 U.S.C.

Sec. 1681a.

Section 2. Section 13-61-201 is enacted to read:

Part 2. ~~{Prohibitions}~~ Prohibition of Social Credit Score

13-61-201. General prohibition regarding social credit score.

(1) A person, including a governmental entity, an employer, ~~{a financial institution,~~ and a place of public accommodation, may not directly ~~{nor}~~ or indirectly use, enforce, intentionally provide data for use in, or otherwise participate in the creation or use of a ~~{system that based on a }~~ social credit score ~~{ discriminates }~~:

(a) that is based on the person's legal, nonfinancial activities or affiliations, to determine a person's worthiness to participate in the economy; or

(b) to discriminate against, ~~{advocates}~~ advocate for or against, or ~~{causes adverse treatment of a person.~~

~~Section 3. Section 13-61-202 is enacted to read:~~

~~13-61-202. Prohibition regarding members of a person's social network.~~

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~~— A financial institution may not collect, evaluate, report, or maintain in records of a person the credit worthiness, credit standing, or credit capacity of members of the person's social network for purposes of determining the credit worthiness of the person.~~

~~— Section 4. Section 13-61-301 is enacted to read:~~

Part 3. Enforcement

~~— **13-61-301. Attorney general enforcement:**~~

~~— (1) The attorney general may enforce the provisions of this chapter.~~

~~— (2) Except as provided in Subsection (3), the attorney general may seek in an action brought under this chapter:~~

~~— (a) damages on behalf of a person suffering loss because of a violation of this chapter;~~

~~— (b) reasonable costs of investigation and litigation, including attorney fees; and~~

~~— (c) relief not described in Subsections (2)(a) and (b), as the court determines proper.~~

~~— (3) In an action against a governmental entity for a violation of this chapter, the attorney general may seek:~~

~~— (a) injunctive relief; and~~

~~— (b) reasonable costs of investigation and litigation, including attorney fees.~~

~~— Section 5. Section 13-61-302 is enacted to read:~~

~~— **13-61-302. Civil action:**~~

~~— (1) Except as provided in Subsection (2), a person injured because of a violation of this chapter may bring a civil action against the person who violated this chapter for:~~

~~— (a) injunctive relief;~~

~~— (b) damages; and~~

~~— (c) relief not described in Subsections (1)(a) and (b), as the court determines proper.~~

~~— (2) A person injured because of a governmental entity's violation of this chapter may bring a civil action against the governmental entity for injunctive relief.~~

~~— (3) A court shall award attorney fees and costs to a person who prevails in an action brought under } cause adverse or preferential treatment of an individual.~~

(2) Subsection (1) does not prohibit a person from:

(a) assessing a person's financial credit risk; or

(b) conducting or } (2) } using a background check.