

- 57 (j) Chapter 28, Prize Notices Regulation Act;
- 58 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
- 59 Transaction Information Act;
- 60 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 61 (m) Chapter 41, Price Controls During Emergencies Act;
- 62 (n) Chapter 42, Uniform Debt-Management Services Act;
- 63 (o) Chapter 49, Immigration Consultants Registration Act;
- 64 (p) Chapter 51, Transportation Network Company Registration Act;
- 65 (q) Chapter 52, Residential Solar Energy Disclosure Act;
- 66 (r) Chapter 53, Residential, Vocational and Life Skills Program Act;
- 67 (s) Chapter 54, Ticket Website Sales Act;
- 68 (t) Chapter 56, Ticket Transferability Act;
- 69 (u) Chapter 57, Maintenance Funding Practices Act;
- 70 (v) Chapter 61, Utah Consumer Privacy Act;
- 71 (w) Chapter 63, Utah Social Media Regulation Act;
- 72 (x) Chapter 64, Vehicle Value Protection Agreement Act;
- 73 (y) Chapter 65, Utah Commercial Email Act;
- 74 (z) Chapter 67, Online Dating Safety Act; [~~and~~]
- 75 (aa) Chapter 68, Lawyer Referral Consultants Registration Act[-]; and
- 76 (bb) Chapter 70, Automatic Renewal Contracts Act.

77 Section 2. Section **13-70-101** is enacted to read:

78 **CHAPTER 70. AUTOMATIC RENEWAL CONTRACTS ACT**

79 **Part 1. General Provisions**

80 **13-70-101. Definitions.**

81 As used in this chapter:

82 (1) "Automatic renewal provision" means a provision under a contract that is
 83 automatically renewed at the end of a definite \$→ , paid ←\$ term for a subsequent \$→ , paid ←\$
 83a term that is longer than 45
 84 days.

85 (2) "Clearly and conspicuously disclose" means to disclose:

86 (a) in print:

87 (i) in larger type than the surrounding text;

88 (ii) in contrasting type, font, or color to the surrounding text of the same size; or
 89 (iii) in a manner set off from the surrounding text of the same size by symbols or other
 90 marks that clearly call attention to the language; or

91 (b) through audio, in a volume and cadence sufficient to be readily audible and
 92 understandable.

93 (3) "Division" means the Division of Consumer Protection established in Section
 94 13-2-1.

94a **Ŝ→ (4) "Rental agreement" means any agreement, written or oral, which establishes or**
 94b **modifies the terms, conditions, rules, or any other provisions regarding the use or occupancy**
 94c **of real property for residential or commercial purposes. ←Ŝ**

95 **Ŝ→ [4] (5) ←Ŝ** "Trial period offer" means an offer to provide a period of time to sample or
 95a use a
 96 product or service without payment.

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

98 **Part 2. Automatic Renewal Contract**

99 **13-70-201. Automatic renewal provisions -- Trial period offers -- Notice --**

100 **Exceptions.**

101 (1) Except as provided in Subsection (3), a person who provides an individual a
 102 product or service under a contract with an automatic renewal provision shall provide a notice
 103 to the individual, at least 30 but not more than 60 days before the day on which the automatic
 104 renewal provision renews, that clearly and conspicuously discloses:

105 (a) the renewal date;

106 (b) the total renewal cost; and

107 (c) options for cancellation of the contract.

108 (2) Except as provided in Subsection (3), a person who provides an individual a trial
 109 period offer shall provide a notice to the individual, at least three days before the day on which
 110 the period of time under the trial period offer expires, that clearly and conspicuously discloses:

111 (a) the trial period offer expiration date;

112 (b) the price to be charged for the product or service, or any further purchase
 113 obligations to be imposed on the individual, after the expiration date; and

114 (c) options for cancellation of the contract.

115 (3) This section does not apply to:

116 (a) any individual or entity regulated under Title 31A, Insurance Code, or an affiliate of
 117 the individual or entity;

118 (b) a person providing a service contract, as defined in Section 31A-6a-101;

119 (c) a financial institution or an affiliate of a financial institution regulated under Title V
 120 of the Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq.;

121 (d) a public utility, as defined in Section 54-2-1;

122 (e) an entity or affiliate of the entity that provides services regulated by the Federal
 123 Communications Commission, Federal Energy Regulatory Commission, or Federal
 124 Professional Services Council;

125 (f) a rental agreement ~~§~~ → [as defined in Section 57-22-2] ← ~~§~~ ; or

126 (g) an agreement for property management, as defined in 61-2f-102.

127 (4) An automatic renewal provision that violates this section is void.

128 Section 4. Section **13-70-301** is enacted to read:

129 **Part 3. Enforcement**

130 **13-70-301. Administration and enforcement -- Division powers -- Fees --**

131 **Rulemaking.**

132 (1) The division shall administer and enforce this chapter in accordance with Chapter
 133 2, Division of Consumer Protection.

134 (2) In addition to the division's enforcement powers under Chapter 2, Division of
 135 Consumer Protection:

136 (a) the division director may impose an administrative fine of up to \$2,500 for each
 137 violation of this chapter; and

138 (b) the division may bring a civil action to enforce this chapter.

139 (3) In a civil action by the division to enforce this chapter, the court may:

140 (a) declare that an act or practice violates this chapter;

141 (b) issue an injunction for a violation of this chapter;

142 (c) order disgorgement of any money received after a violation of this chapter;

143 (d) order payment of disgorged money to an injured individual;

144 (e) impose a civil penalty of up to \$2,500 for each violation of this chapter; or

145 (f) award any other relief that the court deems reasonable and necessary.

146 (4) If a court grants judgment or injunctive relief to the division, the court shall award
 147 the division:

148 (a) reasonable attorney fees;

149 (b) court costs; and

150 (c) investigative fees.

151 (5) (a) A person who violates an administrative or court order issued for a violation of
152 this chapter is subject to a civil penalty of no more than \$5,000 for each violation.

153 (b) A civil penalty authorized under this section may be imposed in any civil action
154 brought by the division.

155 (c) The division shall deposit money received for the payment of a fine or civil penalty
156 under this section into the ~~§~~→ [~~Consumer Protection Education and Training Fund created in~~
157 ~~Section 13-2-8.] General Fund.~~ ←§

158 (6) The division may make rules in accordance with Title 63G, Chapter 3, Utah
159 Administrative Rulemaking Act, to enforce this chapter.

160 Section 5. **Effective date.**

161 This bill takes effect on January 1, 2025.