

**CONSUMER SALES PRACTICES AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Andrew Stoddard**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill enacts provisions in the Utah Consumer Sales Practices Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ prohibits a person from using the name of a financial institution in a targeted solicitation without the express written consent of the financial institution;
- ▶ establishes certain requirements and standards regarding the use of targeted solicitations; and
- ▶ provides that a person who offers a targeted solicitation in violation of this bill commits a deceptive act or practice under the Utah Consumer Sales Practices Act, administered and enforced by the Division of Consumer Protection.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**13-11-4.1**, Utah Code Annotated 1953



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

29 Section 1. Section **13-11-4.1** is enacted to read:

30 **13-11-4.1. Targeted solicitations involving financial information -- Restrictions.**

31 (1) As used in this section:

32 (a) "Account holder" means the same as that term is defined in Section [7-1-1001](#).

33 (b) "Financial institution" means the same as that term is defined in 15 U.S.C. Sec.  
34 6809.

35 (c) (i) "Specific account information" means information that is:

36 (A) relative to the account of an account holder, in addition to the name of the account  
37 holder;

38 (B) publically available; and

39 (C) not provided by the financial institution that holds the account holder's account to  
40 the person offering a targeted solicitation.

41 (ii) "Specific account information" includes:

42 (A) a loan number;

43 (B) a loan amount; or

44 (C) any other specific account or loan information.

45 (d) "Targeted solicitation" means any written or oral advertisement or solicitation for  
46 products or services that:

47 (i) is addressed to an account holder;

48 (ii) contains specific account information;

49 (iii) is offered by a person that is not sponsored by or affiliated with the financial  
50 institution that holds the account holder's account; and

51 (iv) is not authorized by the financial institution that holds the account holder's  
52 account.

53 (2) Except as required in the statement described in Subsection (4)(a), a person may  
54 not use or make reference to the name, trade name, or trademark of a financial institution in a  
55 targeted solicitation without the express written consent of the financial institution.

56 (3) A person may not include specific account information:

57 (a) on the outside of an envelope, visible through the envelope window, or on a  
58 postcard, when sending a targeted solicitation by direct mail; or

59           (b) in the subject line, when sending a targeted solicitation by email.  
60           (4) (a) A targeted solicitation, if offered in writing, shall include a conspicuous  
61 statement in bold type on the front page of the document containing:  
62           (i) the name, address, and telephone number of the person offering the targeted  
63 solicitation;  
64           (ii) a statement indicating that the person offering the targeted solicitation is not  
65 sponsored by or affiliated with the financial institution that holds the account holder's account;  
66 and  
67           (iii) a statement indicating that the financial institution that holds the account holder's  
68 account:  
69           (A) did not authorize the targeted solicitation; and  
70           (B) did not provide any of the specific account information included in the targeted  
71 solicitation to the person offering the targeted solicitation.  
72           (b) If the targeted solicitation is offered orally, the person offering the targeted  
73 solicitation shall verbally communicate the statement described in Subsection (4)(a) at the time  
74 the oral solicitation is offered to the account holder.  
75           (5) A person who offers a targeted solicitation in violation of this section commits a  
76 deceptive act or practice under Section [13-11-4](#).