

1 **Unfair and Deceptive Pricing Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Evan J. Vickers

2 **LONG TITLE**

3 **Committee Note:**

4 The Business and Labor Interim Committee recommended this bill.

5 Legislative Vote: 11 voting for 0 voting against 9 absent

6 **General Description:**

7 This bill modifies provisions relating to unfair and deceptive pricing.

8 **Highlighted Provisions:**

9 This bill:

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- 11 ▶ defines terms;
 - 12 ▶ prohibits hidden fees by requiring the clear and conspicuous disclosure of the total price
 - 13 in an offer or an advertisement for a product;
 - 14 ▶ directs the Division of Consumer Protection to administer and enforce the chapter; and
 - 15 ▶ grants the Division of Consumer Protection the power to impose a fine and seek court
 - 16 relief.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill provides a special effective date.

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **13-2-1**, as last amended by Laws of Utah 2025, Chapter 468

24 ENACTS:

25 **13-82-101**, Utah Code Annotated 1953

26 **13-82-102**, Utah Code Annotated 1953

27 **13-82-103**, Utah Code Annotated 1953

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

29 Section 1. Section **13-2-1** is amended to read:

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31 **13-2-1 . Consumer protection division established -- Functions.**

- 32 (1) There is established within the Department of Commerce the Division of Consumer
33 Protection.
- 34 (2) The division shall administer and enforce the following:
- 35 (a) Chapter 10a, Music Licensing Practices Act;
 - 36 (b) Chapter 11, Utah Consumer Sales Practices Act;
 - 37 (c) Chapter 15, Business Opportunity Disclosure Act;
 - 38 (d) Chapter 20, New Motor Vehicle Warranties Act;
 - 39 (e) Chapter 21, Credit Services Organizations Act;
 - 40 (f) Chapter 22, Charitable Solicitations Act;
 - 41 (g) Chapter 23, Health Spa Services Protection Act;
 - 42 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
 - 43 (i) Chapter 26, Telephone Fraud Prevention Act;
 - 44 (j) Chapter 28, Prize Notices Regulation Act;
 - 45 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
46 Transaction Information Act;
 - 47 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
 - 48 (m) Chapter 41, Price Controls During Emergencies Act;
 - 49 (n) Chapter 42, Uniform Debt-Management Services Act;
 - 50 (o) Chapter 49, Immigration Consultants Registration Act;
 - 51 (p) Chapter 51, Transportation Network Company Registration Act;
 - 52 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
 - 53 (r) Chapter 53, Residential, Vocational or Life Skills Program Act;
 - 54 (s) Chapter 54, Ticket Website Sales Act;
 - 55 (t) Chapter 56, Ticket Transferability Act;
 - 56 (u) Chapter 57, Maintenance Funding Practices Act;
 - 57 (v) Chapter 61, Utah Consumer Privacy Act;
 - 58 (w) Chapter 64, Vehicle Value Protection Agreement Act;
 - 59 (x) Chapter 65, Utah Commercial Email Act;
 - 60 (y) Chapter 67, Online Dating Safety Act;
 - 61 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
 - 62 (aa) Chapter 70, Automatic Renewal Contracts Act;
 - 63 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
 - 64 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;

- 65 (dd) Chapter 78, Earned Wage Access Services Act;[~~and~~]
 66 (ee) Chapter 81, Utah Digital Choice Act[-] ; and
 67 (ff) Chapter 82, Unfair and Deceptive Pricing Act.
- 68 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 69 division may make rules to establish:
- 70 (a) a public list that identifies a person that:
- 71 (i) violates a chapter described in Subsection (2);
 72 (ii) without proper legal justification, fails to comply with an order, subpoena,
 73 judgment, or other legal process issued by:
- 74 (A) the division; or
 75 (B) a court [~~of competent~~] with jurisdiction; or
- 76 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
 77 or similar instrument signed by the person and the division; and
- 78 (b) a process by which a person may be removed from the list the division establishes as
 79 described in Subsection (3)(a).

80 Section 2. Section **13-82-101** is enacted to read:

81 **CHAPTER 82. Unfair and Deceptive Pricing Act**

82 **Part 1. General Provisions**

83 **13-82-101 . Definitions.**

84 As used in this chapter:

- 85 (1) "Clearly and conspicuously" means the same as that term is defined in the Code of
 86 Federal Regulations, Title 16, Chapter I, Subchapter D, Rule on Unfair or Deceptive
 87 Fees, Part 464.
- 88 (2) "Consumer" means an individual who enters into a consumer transaction.
- 89 (3) "Consumer transaction" means the same as that term is defined in Section 13-11-3.
- 90 (4) "Final price" means the total price and any:
- 91 (a) government charge; and
 92 (b) shipping charge.
- 93 (5) "Government charge" means a fee that a government entity mandates on a product.
- 94 (6)(a) "Mandatory ancillary charge" means a fee that a supplier requires a consumer to
 95 pay to purchase a product.
- 96 (b) "Mandatory ancillary charge" does not include a fee for a utility.
- 97 (7) "Pricing information" means information about the charges for a product.

98 (8) "Product" means a good, a service, a tangible property, or an intangible property that is
99 the subject of a consumer transaction.

100 (9) "Shipping charge" means a fee a supplier charges to send a product to a consumer.

101 (10) "Supplier" means the same as that term is defined in Section 13-11-3.

102 (11) "Total price" means the total amount a consumer pays a supplier for a product and any
103 mandatory ancillary charge.

104 (12)(a) "Utility" means a service a third party provides to a consumer who rents from a
105 supplier and that the Division of Public Utilities regulates.

106 (b) "Utility" does not include:

107 (i) a service that a supplier charging rent includes in the rent amount; or

108 (ii) a service that a supplier charging rent controls.

109 Section 3. Section **13-82-102** is enacted to read:

110 **13-82-102 . Hidden fees prohibited.**

111 (1) A supplier shall clearly and conspicuously disclose the total price when offering,
112 displaying, or advertising the price of a product.

113 (2) If a supplier displays the final price for a transaction in an offer, a display, or an
114 advertisement, the supplier shall disclose the final price more prominently than any
115 other pricing information.

116 (3)(a) A supplier may not misrepresent the purpose or the amount of a mandatory
117 ancillary charge.

118 (b) A supplier may not inflate a government charge, a shipping charge, or a charge the
119 supplier otherwise incurs.

120 Section 4. Section **13-82-103** is enacted to read:

121 **13-82-103 . Administration and enforcement -- Powers -- Legal counsel -- Fees.**

122 (1) The division shall administer and enforce the provisions of this chapter in accordance
123 with Chapter 2, Division of Consumer Protection.

124 (2) The division may request the attorney general to provide legal advice to, and to act as
125 counsel for, the division in the exercise of the division's responsibilities under this
126 chapter.

127 (3)(a) In addition to the division's enforcement powers under Chapter 2, Division of
128 Consumer Protection:

129 (i) the division director may issue an order imposing an administrative fine of up to
130 \$2,500 for each violation of this chapter; and

131 (ii) the division may bring an action in a court with jurisdiction to enforce a provision

- 132 of this chapter.
- 133 **(b)** In a court action the division brings to enforce a provision of this chapter, the court
- 134 may, in addition to any other remedies the court awards, issue an order:
- 135 (i) declaring that an act or practice violates a provision of this chapter;
- 136 (ii) issuing an injunction for a violation of this chapter;
- 137 (iii) disgorging the money received in violation of this chapter;
- 138 (iv) directing payment of disgorged money to an injured consumer; or
- 139 (v) imposing a fine of up to \$2,500 for each violation of this chapter.
- 140 **(4)** If a court with jurisdiction grants judgment or injunctive relief to the division, the court
- 141 shall award the division:
- 142 (a) reasonable attorney fees;
- 143 (b) court fees; and
- 144 (c) investigative fees.
- 145 **(5)(a)** In addition to fines described in Subsection (3), the division may impose a civil
- 146 penalty of up to \$5,000 for each violation of an administrative order or a court order
- 147 issued for a violation of this chapter.
- 148 (b) The division may impose a civil penalty authorized under this section through a civil
- 149 action.
- 150 **(6)** The division shall deposit money received for the payment of a fine or civil penalty
- 151 imposed under this section into the Consumer Protection Education and Training Fund
- 152 created in Section 13-2-8.
- 153 **Section 5. Effective Date.**
- 154 This bill takes effect on July 1, 2026.