

DIVISION OF CONSUMER PROTECTION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill enacts and repeals provisions related to consumer complaints to the Division of Consumer Protection (division).

Highlighted Provisions:

This bill:

- ▶ provides that consumer complaints are protected records under the Government Records Access and Management Act (GRAMA);
- ▶ requires the division to reclassify consumer complaints as public under GRAMA under certain circumstances;
- ▶ grants the division rulemaking authority;
- ▶ repeals provisions related to consumer complaints;
- ▶ defines terms; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

13-2-1 (Effective 05/01/24) (Superseded 05/02/24), as last amended by Laws of Utah 2023, Chapters 31, 36, 377, 458, 477, 498, and 509

13-2-1 (Effective 05/02/24), as last amended by Laws of Utah 2023, Chapters 31, 36, 377, 458, 477, 498, 509, and 536

13-11-7 (Effective 05/01/24), as last amended by Laws of Utah 1987, Chapter 92

28 **63G-2-305 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 1, 16,
29 205, and 329

30 ENACTS:

31 **13-2-11 (Effective 05/01/24)**, as Utah Code Annotated 1953

32 REPEALS:

33 **13-15-401 (Effective 05/01/24)**, as enacted by Laws of Utah 2022, Chapter 243

34 **13-26-12 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 324

35

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

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

38 **13-2-1 (Effective 05/01/24) (Superseded 05/02/24). Consumer protection division**
39 **established -- Functions.**

40 (1) There is established within the Department of Commerce the Division of Consumer
41 Protection.

42 (2) The division shall administer and enforce the following:

43 (a) Chapter 10a, Music Licensing Practices Act;

44 (b) Chapter 11, Utah Consumer Sales Practices Act;

45 (c) Chapter 15, Business Opportunity Disclosure Act;

46 (d) Chapter 20, New Motor Vehicle Warranties Act;

47 (e) Chapter 21, Credit Services Organizations Act;

48 (f) Chapter 22, Charitable Solicitations Act;

49 (g) Chapter 23, Health Spa Services Protection Act;

50 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;

51 (i) Chapter 26, Telephone Fraud Prevention Act;

52 (j) Chapter 28, Prize Notices Regulation Act;

53 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter

54 Transaction Information Act;

55 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;

56 (m) Chapter 41, Price Controls During Emergencies Act;

57 (n) Chapter 42, Uniform Debt-Management Services Act;

58 (o) Chapter 49, Immigration Consultants Registration Act;

59 (p) Chapter 51, Transportation Network Company Registration Act;

60 (q) Chapter 52, Residential Solar Energy Disclosure Act;

61 (r) Chapter 53, Residential, Vocational and Life Skills Program Act;

- 62 (s) Chapter 54, Ticket Website Sales Act;
- 63 (t) Chapter 56, Ticket Transferability Act;
- 64 (u) Chapter 57, Maintenance Funding Practices Act;
- 65 (v) Chapter 61, Utah Consumer Privacy Act;
- 66 (w) Chapter 63, Utah Social Media Regulation Act;
- 67 (x) Chapter 64, Vehicle Value Protection Agreement Act;
- 68 (y) Chapter 65, Utah Commercial Email Act; and
- 69 (z) Chapter 67, Online Dating Safety Act.
- 70 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 71 division may make rules to establish:
- 72 (a) a public list that identifies a person who:
- 73 (i) violates a chapter described in Subsection (2);
- 74 (ii) without proper legal justification, fails to comply with an order, subpoena,
- 75 judgment, or other legal process issued by:
- 76 (A) the division; or
- 77 (B) a court of competent jurisdiction; or
- 78 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
- 79 or similar instrument signed by the person and the division; and
- 80 (b) a process by which a person may be removed from the list the division establishes as
- 81 described in Subsection (3)(a).

82 Section 2. Section 13-2-1 is amended to read:

83 **13-2-1 (Effective 05/02/24). Consumer protection division established --**

84 **Functions.**

- 85 (1) There is established within the Department of Commerce the Division of Consumer
- 86 Protection.
- 87 (2) The division shall administer and enforce the following:
- 88 (a) Chapter 10a, Music Licensing Practices Act;
- 89 (b) Chapter 11, Utah Consumer Sales Practices Act;
- 90 (c) Chapter 15, Business Opportunity Disclosure Act;
- 91 (d) Chapter 20, New Motor Vehicle Warranties Act;
- 92 (e) Chapter 21, Credit Services Organizations Act;
- 93 (f) Chapter 22, Charitable Solicitations Act;
- 94 (g) Chapter 23, Health Spa Services Protection Act;
- 95 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;

- 96 (i) Chapter 26, Telephone Fraud Prevention Act;
- 97 (j) Chapter 28, Prize Notices Regulation Act;
- 98 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
- 99 Transaction Information Act;
- 100 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 101 (m) Chapter 41, Price Controls During Emergencies Act;
- 102 (n) Chapter 42, Uniform Debt-Management Services Act;
- 103 (o) Chapter 49, Immigration Consultants Registration Act;
- 104 (p) Chapter 51, Transportation Network Company Registration Act;
- 105 (q) Chapter 52, Residential Solar Energy Disclosure Act;
- 106 (r) Chapter 53, Residential, Vocational and Life Skills Program Act;
- 107 (s) Chapter 54, Ticket Website Sales Act;
- 108 (t) Chapter 56, Ticket Transferability Act;
- 109 (u) Chapter 57, Maintenance Funding Practices Act;
- 110 (v) Chapter 61, Utah Consumer Privacy Act;
- 111 (w) Chapter 63, Utah Social Media Regulation Act;
- 112 (x) Chapter 64, Vehicle Value Protection Agreement Act;
- 113 (y) Chapter 65, Utah Commercial Email Act;
- 114 (z) Chapter 67, Online Dating Safety Act; and
- 115 (aa) Chapter 68, Lawyer Referral Consultants Registration Act.
- 116 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 117 division may make rules to establish:
- 118 (a) a public list that identifies a person who:
- 119 (i) violates a chapter described in Subsection (2);
- 120 (ii) without proper legal justification, fails to comply with an order, subpoena,
- 121 judgment, or other legal process issued by:
- 122 (A) the division; or
- 123 (B) a court of competent jurisdiction; or
- 124 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
- 125 or similar instrument signed by the person and the division; and
- 126 (b) a process by which a person may be removed from the list the division establishes as
- 127 described in Subsection (3)(a).
- 128 Section 3. Section 13-2-11 is enacted to read:
- 129 **13-2-11 (Effective 05/01/24). Publication of consumer complaints.**

- 130 (1) As used in this section:
- 131 (a) "Consumer complaint" means a complaint that:
- 132 (i) is provided to the division;
- 133 (ii) alleges facts relating to conduct that the division regulates under Section 13-2-1;
- 134 and
- 135 (iii) may contain:
- 136 (A) information that identifies a respondent; and
- 137 (B) a narrative description of and information relevant to the conduct described in
- 138 Subsection (1)(a)(ii).
- 139 (b) "Consumer narrative" means the narrative description contained in a consumer
- 140 complaint as described in Subsection (1)(a)(iii)(B).
- 141 (c) "Filer" means a person who files a consumer complaint.
- 142 (d) "Respondent" means a person against whom a filer files a consumer complaint.
- 143 (2) (a) A consumer complaint is a protected record as provided in Subsection 63G-2-305
- 144 (88).
- 145 (b) In carrying out the division's duties, the division may not publicly disclose the
- 146 identity of a person the division investigates unless:
- 147 (i) the person's identity becomes a matter of public record in an enforcement
- 148 proceeding; or
- 149 (ii) the person consents to public disclosure.
- 150 (3) Notwithstanding Subsection (2):
- 151 (a) the division may reclassify a consumer complaint as public if:
- 152 (i) (A) the consumer complaint is one of at least 10 consumer complaints filed
- 153 with the division against the same person, alleging the same or similar conduct,
- 154 and during the 12-month period immediately preceding the day on which the
- 155 filer files the consumer complaint;
- 156 (B) the consumer complaint does not contain information that an agreement with
- 157 another state or federal agency or a condition of participation in an
- 158 investigation or litigation requires the division keep confidential;
- 159 (C) the consumer complaint is not classified as controlled, private, or protected as
- 160 described in Sections 63G-2-302 through 63G-2-305, for a reason other than
- 161 that identified by Subsection 63G-2-305(88); and
- 162 (D) access to the record is not restricted as described by Subsection 63G-2-201
- 163 (3)(b); or

- 164 (ii) the division takes public enforcement action against a respondent as a result of
165 the consumer complaint; and
- 166 (b) the division may disclose a consumer complaint to the respondent.
- 167 (4) In determining the number of complaints against the same person in accordance with
168 Subsection (3)(a)(i)(A), the division may consider consumer complaints that are filed
169 against multiple entities under common ownership as consumer complaints against the
170 same person.
- 171 (5) A respondent's initial, written response to a consumer complaint that is public under
172 Subsection (3) is a public record.
- 173 (6) Before making a consumer complaint that is reclassified as public under Subsection (3),
174 or a response described in Subsection (5), available to the public, the division:
- 175 (a) shall redact from the consumer complaint or the response any information that would
176 disclose:
- 177 (i) the filer's:
- 178 (A) address;
179 (B) social security number;
180 (C) bank account information;
181 (D) email address; or
182 (E) telephone number; or
- 183 (ii) information similar in nature to the information described in Subsection (6)(a)(i);
184 and
- 185 (b) may redact the filer's name and any other information that could, in the division's
186 judgment, disclose the filer's identity.
- 187 (7) If the division discloses the consumer complaint to the respondent as described in
188 Subsection (3)(b), the division may redact the filer's:
- 189 (a) bank account information;
190 (b) social security number;
191 (c) name and any other information that could, in the division's judgment, disclose the
192 filer's identity, if the filer requests anonymity; and
193 (d) other information the disclosure of which constitutes a clearly unwarranted invasion
194 of personal privacy.
- 195 (8) Nothing in this section precludes the division from disclosing a consumer complaint in
196 accordance with Section 63G-2-201.

197 Section 4. Section 13-11-7 is amended to read:

198 **13-11-7 (Effective 05/01/24). Duties of enforcing authority -- Confidentiality of**
 199 **identity of persons investigated -- Civil penalty for violation of restraining or**
 200 **injunctive orders.**

- 201 (1) The enforcing authority shall:
- 202 (a) enforce this chapter throughout the state;
 - 203 (b) cooperate with state and local officials, officials of other states, and officials of the
 204 federal government in the administration of comparable statutes;
 - 205 (c) inform consumers and suppliers on a continuing basis of the provisions of this
 206 chapter and of acts or practices that violate this chapter [~~including mailing~~
 207 ~~information concerning final judgments to persons who request it, for which he may~~
 208 ~~charge a reasonable fee to cover the expense~~];
 - 209 (d) receive and act on complaints; and
 - 210 (e) maintain a public file of final judgments rendered under this chapter that have been
 211 either reported officially or made available for public dissemination under Subsection
 212 (1)(c), final consent judgments, and to the extent the enforcing authority considers
 213 appropriate, assurances of voluntary compliance.

214 [~~(2) In carrying out his duties, the enforcing authority may not publicly disclose the~~
 215 ~~identity of a person investigated unless his identity has become a matter of public record~~
 216 ~~in an enforcement proceeding or he has consented to public disclosure.]~~

217 [(~~3~~)] (2) On motion of the enforcing authority, or on its own motion, the court may impose a
 218 civil penalty of not more than \$5,000 for each day a temporary restraining order,
 219 preliminary injunction, or permanent injunction issued under this chapter is violated, if
 220 the supplier received notice of the restraining or injunctive order. Civil penalties
 221 imposed under this section shall be paid to the General Fund.

222 Section 5. Section **63G-2-305** is amended to read:

223 **63G-2-305 (Effective 05/01/24). Protected records.**

224 The following records are protected if properly classified by a governmental entity:

- 225 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has
 226 provided the governmental entity with the information specified in Section 63G-2-309;
- 227 (2) commercial information or nonindividual financial information obtained from a person
 228 if:
 - 229 (a) disclosure of the information could reasonably be expected to result in unfair
 230 competitive injury to the person submitting the information or would impair the
 231 ability of the governmental entity to obtain necessary information in the future;

- 232 (b) the person submitting the information has a greater interest in prohibiting access than
233 the public in obtaining access; and
- 234 (c) the person submitting the information has provided the governmental entity with the
235 information specified in Section 63G-2-309;
- 236 (3) commercial or financial information acquired or prepared by a governmental entity to
237 the extent that disclosure would lead to financial speculations in currencies, securities, or
238 commodities that will interfere with a planned transaction by the governmental entity or
239 cause substantial financial injury to the governmental entity or state economy;
- 240 (4) records, the disclosure of which could cause commercial injury to, or confer a
241 competitive advantage upon a potential or actual competitor of, a commercial project
242 entity as defined in Subsection 11-13-103(4);
- 243 (5) test questions and answers to be used in future license, certification, registration,
244 employment, or academic examinations;
- 245 (6) records, the disclosure of which would impair governmental procurement proceedings
246 or give an unfair advantage to any person proposing to enter into a contract or agreement
247 with a governmental entity, except, subject to Subsections (1) and (2), that this
248 Subsection (6) does not restrict the right of a person to have access to, after the contract
249 or grant has been awarded and signed by all parties:
- 250 (a) a bid, proposal, application, or other information submitted to or by a governmental
251 entity in response to:
- 252 (i) an invitation for bids;
- 253 (ii) a request for proposals;
- 254 (iii) a request for quotes;
- 255 (iv) a grant; or
- 256 (v) other similar document; or
- 257 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 258 (7) information submitted to or by a governmental entity in response to a request for
259 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not
260 restrict the right of a person to have access to the information, after:
- 261 (a) a contract directly relating to the subject of the request for information has been
262 awarded and signed by all parties; or
- 263 (b) (i) a final determination is made not to enter into a contract that relates to the
264 subject of the request for information; and
- 265 (ii) at least two years have passed after the day on which the request for information

- 266 is issued;
- 267 (8) records that would identify real property or the appraisal or estimated value of real or
268 personal property, including intellectual property, under consideration for public
269 acquisition before any rights to the property are acquired unless:
- 270 (a) public interest in obtaining access to the information is greater than or equal to the
271 governmental entity's need to acquire the property on the best terms possible;
- 272 (b) the information has already been disclosed to persons not employed by or under a
273 duty of confidentiality to the entity;
- 274 (c) in the case of records that would identify property, potential sellers of the described
275 property have already learned of the governmental entity's plans to acquire the
276 property;
- 277 (d) in the case of records that would identify the appraisal or estimated value of
278 property, the potential sellers have already learned of the governmental entity's
279 estimated value of the property; or
- 280 (e) the property under consideration for public acquisition is a single family residence
281 and the governmental entity seeking to acquire the property has initiated negotiations
282 to acquire the property as required under Section 78B-6-505;
- 283 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated
284 transaction of real or personal property including intellectual property, which, if
285 disclosed prior to completion of the transaction, would reveal the appraisal or estimated
286 value of the subject property, unless:
- 287 (a) the public interest in access is greater than or equal to the interests in restricting
288 access, including the governmental entity's interest in maximizing the financial
289 benefit of the transaction; or
- 290 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
291 the value of the subject property have already been disclosed to persons not
292 employed by or under a duty of confidentiality to the entity;
- 293 (10) records created or maintained for civil, criminal, or administrative enforcement
294 purposes or audit purposes, or for discipline, licensing, certification, or registration
295 purposes, if release of the records:
- 296 (a) reasonably could be expected to interfere with investigations undertaken for
297 enforcement, discipline, licensing, certification, or registration purposes;
- 298 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
299 proceedings;

- 300 (c) would create a danger of depriving a person of a right to a fair trial or impartial
301 hearing;
- 302 (d) reasonably could be expected to disclose the identity of a source who is not generally
303 known outside of government and, in the case of a record compiled in the course of
304 an investigation, disclose information furnished by a source not generally known
305 outside of government if disclosure would compromise the source; or
- 306 (e) reasonably could be expected to disclose investigative or audit techniques,
307 procedures, policies, or orders not generally known outside of government if
308 disclosure would interfere with enforcement or audit efforts;
- 309 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 310 (12) records the disclosure of which would jeopardize the security of governmental
311 property, governmental programs, or governmental recordkeeping systems from
312 damage, theft, or other appropriation or use contrary to law or public policy;
- 313 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
314 facility, or records relating to incarceration, treatment, probation, or parole, that would
315 interfere with the control and supervision of an offender's incarceration, treatment,
316 probation, or parole;
- 317 (14) records that, if disclosed, would reveal recommendations made to the Board of
318 Pardons and Parole by an employee of or contractor for the Department of Corrections,
319 the Board of Pardons and Parole, or the Department of Health and Human Services that
320 are based on the employee's or contractor's supervision, diagnosis, or treatment of any
321 person within the board's jurisdiction;
- 322 (15) records and audit workpapers that identify audit, collection, and operational procedures
323 and methods used by the State Tax Commission, if disclosure would interfere with
324 audits or collections;
- 325 (16) records of a governmental audit agency relating to an ongoing or planned audit until
326 the final audit is released;
- 327 (17) records that are subject to the attorney client privilege;
- 328 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
329 employee, or agent of a governmental entity for, or in anticipation of, litigation or a
330 judicial, quasi-judicial, or administrative proceeding;
- 331 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
332 from a member of the Legislature; and
- 333 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of

- 334 legislative action or policy may not be classified as protected under this section;
335 and
- 336 (b) (i) an internal communication that is part of the deliberative process in connection
337 with the preparation of legislation between:
- 338 (A) members of a legislative body;
339 (B) a member of a legislative body and a member of the legislative body's staff; or
340 (C) members of a legislative body's staff; and
- 341 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
342 legislative action or policy may not be classified as protected under this section;
- 343 (20) (a) records in the custody or control of the Office of Legislative Research and
344 General Counsel, that, if disclosed, would reveal a particular legislator's
345 contemplated legislation or contemplated course of action before the legislator has
346 elected to support the legislation or course of action, or made the legislation or course
347 of action public; and
- 348 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
349 Office of Legislative Research and General Counsel is a public document unless a
350 legislator asks that the records requesting the legislation be maintained as protected
351 records until such time as the legislator elects to make the legislation or course of
352 action public;
- 353 (21) research requests from legislators to the Office of Legislative Research and General
354 Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in
355 response to these requests;
- 356 (22) drafts, unless otherwise classified as public;
- 357 (23) records concerning a governmental entity's strategy about:
- 358 (a) collective bargaining; or
359 (b) imminent or pending litigation;
- 360 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
361 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
362 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 363 (25) records, other than personnel evaluations, that contain a personal recommendation
364 concerning an individual if disclosure would constitute a clearly unwarranted invasion
365 of personal privacy, or disclosure is not in the public interest;
- 366 (26) records that reveal the location of historic, prehistoric, paleontological, or biological
367 resources that if known would jeopardize the security of those resources or of valuable

- 368 historic, scientific, educational, or cultural information;
- 369 (27) records of independent state agencies if the disclosure of the records would conflict
370 with the fiduciary obligations of the agency;
- 371 (28) records of an institution within the state system of higher education defined in Section
372 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
373 retention decisions, and promotions, which could be properly discussed in a meeting
374 closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided
375 that records of the final decisions about tenure, appointments, retention, promotions, or
376 those students admitted, may not be classified as protected under this section;
- 377 (29) records of the governor's office, including budget recommendations, legislative
378 proposals, and policy statements, that if disclosed would reveal the governor's
379 contemplated policies or contemplated courses of action before the governor has
380 implemented or rejected those policies or courses of action or made them public;
- 381 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
382 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
383 recommendations in these areas;
- 384 (31) records provided by the United States or by a government entity outside the state that
385 are given to the governmental entity with a requirement that they be managed as
386 protected records if the providing entity certifies that the record would not be subject to
387 public disclosure if retained by it;
- 388 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
389 public body except as provided in Section 52-4-206;
- 390 (33) records that would reveal the contents of settlement negotiations but not including final
391 settlements or empirical data to the extent that they are not otherwise exempt from
392 disclosure;
- 393 (34) memoranda prepared by staff and used in the decision-making process by an
394 administrative law judge, a member of the Board of Pardons and Parole, or a member of
395 any other body charged by law with performing a quasi-judicial function;
- 396 (35) records that would reveal negotiations regarding assistance or incentives offered by or
397 requested from a governmental entity for the purpose of encouraging a person to expand
398 or locate a business in Utah, but only if disclosure would result in actual economic harm
399 to the person or place the governmental entity at a competitive disadvantage, but this
400 section may not be used to restrict access to a record evidencing a final contract;
- 401 (36) materials to which access must be limited for purposes of securing or maintaining the

- 402 governmental entity's proprietary protection of intellectual property rights including
403 patents, copyrights, and trade secrets;
- 404 (37) the name of a donor or a prospective donor to a governmental entity, including an
405 institution within the state system of higher education defined in Section 53B-1-102, and
406 other information concerning the donation that could reasonably be expected to reveal
407 the identity of the donor, provided that:
- 408 (a) the donor requests anonymity in writing;
- 409 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
410 classified protected by the governmental entity under this Subsection (37); and
- 411 (c) except for an institution within the state system of higher education defined in
412 Section 53B-1-102, the governmental unit to which the donation is made is primarily
413 engaged in educational, charitable, or artistic endeavors, and has no regulatory or
414 legislative authority over the donor, a member of the donor's immediate family, or
415 any entity owned or controlled by the donor or the donor's immediate family;
- 416 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 417 (39) a notification of workers' compensation insurance coverage described in Section
418 34A-2-205;
- 419 (40) (a) the following records of an institution within the state system of higher
420 education defined in Section 53B-1-102, which have been developed, discovered,
421 disclosed to, or received by or on behalf of faculty, staff, employees, or students of
422 the institution:
- 423 (i) unpublished lecture notes;
- 424 (ii) unpublished notes, data, and information:
- 425 (A) relating to research; and
- 426 (B) of:
- 427 (I) the institution within the state system of higher education defined in Section
428 53B-1-102; or
- 429 (II) a sponsor of sponsored research;
- 430 (iii) unpublished manuscripts;
- 431 (iv) creative works in process;
- 432 (v) scholarly correspondence; and
- 433 (vi) confidential information contained in research proposals;
- 434 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information
435 required pursuant to Subsection 53B-16-302(2)(a) or (b); and

- 436 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 437 (41) (a) records in the custody or control of the Office of the Legislative Auditor
438 General that would reveal the name of a particular legislator who requests a
439 legislative audit prior to the date that audit is completed and made public; and
- 440 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
441 Office of the Legislative Auditor General is a public document unless the legislator
442 asks that the records in the custody or control of the Office of the Legislative Auditor
443 General that would reveal the name of a particular legislator who requests a
444 legislative audit be maintained as protected records until the audit is completed and
445 made public;
- 446 (42) records that provide detail as to the location of an explosive, including a map or other
447 document that indicates the location of:
- 448 (a) a production facility; or
449 (b) a magazine;
- 450 (43) information contained in the statewide database of the Division of Aging and Adult
451 Services created by Section 26B-6-210;
- 452 (44) information contained in the Licensing Information System described in Title 80,
453 Chapter 2, Child Welfare Services;
- 454 (45) information regarding National Guard operations or activities in support of the
455 National Guard's federal mission;
- 456 (46) records provided by any pawn or secondhand business to a law enforcement agency or
457 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand
458 Merchandise, and Catalytic Converter Transaction Information Act;
- 459 (47) information regarding food security, risk, and vulnerability assessments performed by
460 the Department of Agriculture and Food;
- 461 (48) except to the extent that the record is exempt from this chapter pursuant to Section
462 63G-2-106, records related to an emergency plan or program, a copy of which is
463 provided to or prepared or maintained by the Division of Emergency Management, and
464 the disclosure of which would jeopardize:
- 465 (a) the safety of the general public; or
466 (b) the security of:
- 467 (i) governmental property;
468 (ii) governmental programs; or
469 (iii) the property of a private person who provides the Division of Emergency

- 470 Management information;
- 471 (49) records of the Department of Agriculture and Food that provides for the identification,
472 tracing, or control of livestock diseases, including any program established under Title
473 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
474 of Animal Disease;
- 475 (50) as provided in Section 26B-2-408:
- 476 (a) information or records held by the Department of Health and Human Services related
477 to a complaint regarding a child care program or residential child care which the
478 department is unable to substantiate; and
- 479 (b) information or records related to a complaint received by the Department of Health
480 and Human Services from an anonymous complainant regarding a child care program
481 or residential child care;
- 482 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided
483 under Section 41-1a-116, an individual's home address, home telephone number, or
484 personal mobile phone number, if:
- 485 (a) the individual is required to provide the information in order to comply with a law,
486 ordinance, rule, or order of a government entity; and
- 487 (b) the subject of the record has a reasonable expectation that this information will be
488 kept confidential due to:
- 489 (i) the nature of the law, ordinance, rule, or order; and
- 490 (ii) the individual complying with the law, ordinance, rule, or order;
- 491 (52) the portion of the following documents that contains a candidate's residential or
492 mailing address, if the candidate provides to the filing officer another address or phone
493 number where the candidate may be contacted:
- 494 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
495 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,
496 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- 497 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 498 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 499 (53) the name, home address, work addresses, and telephone numbers of an individual that
500 is engaged in, or that provides goods or services for, medical or scientific research that is:
- 501 (a) conducted within the state system of higher education, as defined in Section
502 53B-1-102; and
- 503 (b) conducted using animals;

- 504 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
505 Evaluation Commission concerning an individual commissioner's vote, in relation to
506 whether a judge meets or exceeds minimum performance standards under Subsection
507 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 508 (55) information collected and a report prepared by the Judicial Performance Evaluation
509 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,
510 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes
511 public, the information or report;
- 512 (56) records provided or received by the Public Lands Policy Coordinating Office in
513 furtherance of any contract or other agreement made in accordance with Section
514 63L-11-202;
- 515 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 516 (58) in accordance with Section 73-10-33:
- 517 (a) a management plan for a water conveyance facility in the possession of the Division
518 of Water Resources or the Board of Water Resources; or
- 519 (b) an outline of an emergency response plan in possession of the state or a county or
520 municipality;
- 521 (59) the following records in the custody or control of the Office of Inspector General of
522 Medicaid Services, created in Section 63A-13-201:
- 523 (a) records that would disclose information relating to allegations of personal
524 misconduct, gross mismanagement, or illegal activity of a person if the information
525 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
526 Services through other documents or evidence, and the records relating to the
527 allegation are not relied upon by the Office of Inspector General of Medicaid
528 Services in preparing a final investigation report or final audit report;
- 529 (b) records and audit workpapers to the extent they would disclose the identity of a
530 person who, during the course of an investigation or audit, communicated the
531 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
532 violation of a law, rule, or regulation adopted under the laws of this state, a political
533 subdivision of the state, or any recognized entity of the United States, if the
534 information was disclosed on the condition that the identity of the person be
535 protected;
- 536 (c) before the time that an investigation or audit is completed and the final investigation
537 or final audit report is released, records or drafts circulated to a person who is not an

- 538 employee or head of a governmental entity for the person's response or information;
- 539 (d) records that would disclose an outline or part of any investigation, audit survey plan,
- 540 or audit program; or
- 541 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
- 542 investigation or audit;
- 543 (60) records that reveal methods used by the Office of Inspector General of Medicaid
- 544 Services, the fraud unit, or the Department of Health and Human Services, to discover
- 545 Medicaid fraud, waste, or abuse;
- 546 (61) information provided to the Department of Health and Human Services or the Division
- 547 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
- 548 58-68-304(3) and (4);
- 549 (62) a record described in Section 63G-12-210;
- 550 (63) captured plate data that is obtained through an automatic license plate reader system
- 551 used by a governmental entity as authorized in Section 41-6a-2003;
- 552 (64) any record in the custody of the Utah Office for Victims of Crime relating to a victim,
- 553 including:
- 554 (a) a victim's application or request for benefits;
- 555 (b) a victim's receipt or denial of benefits; and
- 556 (c) any administrative notes or records made or created for the purpose of, or used to,
- 557 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime
- 558 Victim Reparations Fund;
- 559 (65) an audio or video recording created by a body-worn camera, as that term is defined in
- 560 Section 77-7a-103, that records sound or images inside a hospital or health care facility
- 561 as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider,
- 562 as that term is defined in Section 78B-3-403, or inside a human service program as that
- 563 term is defined in Section 26B-2-101, except for recordings that:
- 564 (a) depict the commission of an alleged crime;
- 565 (b) record any encounter between a law enforcement officer and a person that results in
- 566 death or bodily injury, or includes an instance when an officer fires a weapon;
- 567 (c) record any encounter that is the subject of a complaint or a legal proceeding against a
- 568 law enforcement officer or law enforcement agency;
- 569 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);
- 570 or
- 571 (e) have been requested for reclassification as a public record by a subject or authorized

- 572 agent of a subject featured in the recording;
- 573 (66) a record pertaining to the search process for a president of an institution of higher
574 education described in Section 53B-2-102, except for application materials for a publicly
575 announced finalist;
- 576 (67) an audio recording that is:
- 577 (a) produced by an audio recording device that is used in conjunction with a device or
578 piece of equipment designed or intended for resuscitating an individual or for treating
579 an individual with a life-threatening condition;
- 580 (b) produced during an emergency event when an individual employed to provide law
581 enforcement, fire protection, paramedic, emergency medical, or other first responder
582 service:
- 583 (i) is responding to an individual needing resuscitation or with a life-threatening
584 condition; and
- 585 (ii) uses a device or piece of equipment designed or intended for resuscitating an
586 individual or for treating an individual with a life-threatening condition; and
- 587 (c) intended and used for purposes of training emergency responders how to improve
588 their response to an emergency situation;
- 589 (68) records submitted by or prepared in relation to an applicant seeking a recommendation
590 by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the
591 Audit Subcommittee, established under Section 36-12-8, for an employment position
592 with the Legislature;
- 593 (69) work papers as defined in Section 31A-2-204;
- 594 (70) a record made available to Adult Protective Services or a law enforcement agency
595 under Section 61-1-206;
- 596 (71) a record submitted to the Insurance Department in accordance with Section
597 31A-37-201;
- 598 (72) a record described in Section 31A-37-503;
- 599 (73) any record created by the Division of Professional Licensing as a result of Subsection
600 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 601 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
602 involving an amusement ride;
- 603 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a
604 political petition, or on a request to withdraw a signature from a political petition,
605 including a petition or request described in the following titles:

- 606 (a) Title 10, Utah Municipal Code;
- 607 (b) Title 17, Counties;
- 608 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 609 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 610 (e) Title 20A, Election Code;
- 611 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a
- 612 voter registration record;
- 613 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature
- 614 described in Subsection (75) or (76), in the custody of the lieutenant governor or a local
- 615 political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 616 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5,
- 617 Victims Guidelines for Prosecutors Act;
- 618 (79) a record submitted to the Insurance Department under Section 31A-48-103;
- 619 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
- 620 prohibited under Section 63G-26-103;
- 621 (81) an image taken of an individual during the process of booking the individual into jail,
- 622 unless:
- 623 (a) the individual is convicted of a criminal offense based upon the conduct for which
- 624 the individual was incarcerated at the time the image was taken;
- 625 (b) a law enforcement agency releases or disseminates the image:
- 626 (i) after determining that the individual is a fugitive or an imminent threat to an
- 627 individual or to public safety and releasing or disseminating the image will assist
- 628 in apprehending the individual or reducing or eliminating the threat; or
- 629 (ii) to a potential witness or other individual with direct knowledge of events relevant
- 630 to a criminal investigation or criminal proceeding for the purpose of identifying or
- 631 locating an individual in connection with the criminal investigation or criminal
- 632 proceeding; or
- 633 (c) a judge orders the release or dissemination of the image based on a finding that the
- 634 release or dissemination is in furtherance of a legitimate law enforcement interest;
- 635 (82) a record:
- 636 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 637 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
- 638 representative from another state or the federal government as provided in Section
- 639 63M-14-205; and

- 640 (c) the disclosure of which would:
- 641 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
- 642 Colorado River system;
- 643 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
- 644 negotiate the best terms and conditions regarding the use of water in the Colorado
- 645 River system; or
- 646 (iii) give an advantage to another state or to the federal government in negotiations
- 647 regarding the use of water in the Colorado River system;
- 648 (83) any part of an application described in Section 63N-16-201 that the Governor's Office
- 649 of Economic Opportunity determines is nonpublic, confidential information that if
- 650 disclosed would result in actual economic harm to the applicant, but this Subsection (83)
- 651 may not be used to restrict access to a record evidencing a final contract or approval
- 652 decision;
- 653 (84) the following records of a drinking water or wastewater facility:
- 654 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
- 655 and
- 656 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
- 657 drinking water or wastewater facility uses to secure, or prohibit access to, the records
- 658 described in Subsection (84)(a);
- 659 (85) a statement that an employee of a governmental entity provides to the governmental
- 660 entity as part of the governmental entity's personnel or administrative investigation into
- 661 potential misconduct involving the employee if the governmental entity:
- 662 (a) requires the statement under threat of employment disciplinary action, including
- 663 possible termination of employment, for the employee's refusal to provide the
- 664 statement; and
- 665 (b) provides the employee assurance that the statement cannot be used against the
- 666 employee in any criminal proceeding;
- 667 (86) any part of an application for a Utah Fits All Scholarship account described in Section
- 668 53F-6-402 or other information identifying a scholarship student as defined in Section
- 669 53F-6-401; ~~and~~
- 670 (87) a record:
- 671 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 672 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
- 673 person concerning the claim, including a representative from another state or the

674 federal government; and
675 (c) the disclosure of which would:
676 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
677 Great Salt Lake;
678 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
679 and conditions regarding the use of water in the Great Salt Lake; or
680 (iii) give an advantage to another person including another state or to the federal
681 government in negotiations regarding the use of water in the Great Salt Lake[?];
682 and
683 (88) a consumer complaint described in Section 13-2-11, unless the consumer complaint is
684 reclassified as public as described in Subsection 13-2-11(4).

685 Section 6. **Repealer.**

686 This bill repeals:

687 Section **13-15-401, (Effective 05/01/24)Consumer complaints.**

688 Section **13-26-12, (Effective 05/01/24)Consumer complaints are public.**

689 Section 7. **Effective date.**

690 This bill takes effect on May 1, 2024, with the exception of Section 13-2-1 (Effective
691 05/02/2024) which takes effect on May 2, 2024.