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**SOCIAL CREDIT SCORE AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Cheryl K. Acton**

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

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**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 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 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; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 [13-61-101](#), Utah Code Annotated 1953

32 [13-61-201](#), Utah Code Annotated 1953

33 [13-61-202](#), Utah Code Annotated 1953

34 [13-61-301](#), Utah Code Annotated 1953

35 [13-61-302](#), Utah Code Annotated 1953



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

38 Section 1. Section [13-61-101](#) is enacted to read:

39 **CHAPTER 61. SOCIAL CREDIT SCORE PROHIBITION ACT**

40 **Part 1. General Provisions**

41 **13-61-101. Definitions.**

42 (1) "Employer" means:

43 (a) the state;

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

45 (c) a person, including a public utility, having one or more workers or operatives

46 regularly employed in the same business, or in or about the same establishment, under a

47 contract of hire.

48 (2) "Financial institution" means the same as that term is defined in Section [7-1-103](#).

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

50 [63D-2-102](#).

51 (4) "Members of a person's social network" means the people a person authorizes as

52 part of the person's social media communications and network.

53 (5) "Place of public accommodation" means the same as that term is defined in Section

54 [13-7-2](#).

55 (6) "Social credit score" means a numeric, alphanumeric, or alphabetic value or other

56 categorization assigned to a person based on a subjective or arbitrary behavior, action, or

57 standard, including:

58 (a) compliance with government or bureaucratic guidance;

- 59 (b) compliance with a regulatory standard;
- 60 (c) a social media post;
- 61 (d) participation or membership in a club, association, or union;
- 62 (e) political affiliation;
- 63 (f) who the person's employer is; and
- 64 (g) who the members of the person's social network are.

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

66 **Part 2. Prohibitions**

67 **13-61-201. General prohibition regarding social credit score.**

68 A person, including a governmental entity, an employer, a financial institution, and a  
69 place of public accommodation, may not directly nor indirectly use, enforce, provide data for  
70 use in, or otherwise participate in the creation or use of a system that based on a social credit  
71 score discriminates against, advocates for, or causes adverse treatment of a person.

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

73 **13-61-202. Prohibition regarding members of a person's social network.**

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

77 Section 4. Section **13-61-301** is enacted to read:

78 **Part 3. Enforcement**

79 **13-61-301. Attorney general enforcement.**

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

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

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

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

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

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

88 (a) injunctive relief; and

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

90 Section 5. Section **13-61-302** is enacted to read:

91 **13-61-302. Civil action.**

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

94 (a) injunctive relief;

95 (b) damages; and

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

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

99 (3) A court shall award attorney fees and costs to a person who prevails in an action  
100 brought under Subsection (1) or (2).