

2014 UBA LEGISLATIVE TRACKING

Bill	Short Title	Prime Sponsor	Position	Comments	Result
H.B. 12	Consumer Credit Protection Amendments	Ray, P.	O	This bill under certain circumstances, requires a consumer reporting agency to give a consumer, prior to purchase, a written disclosure that states that the credit score the consumer reporting agency provides may be different from the credit score used by a lender; requires an entity that requests a consumer's credit score, for a purpose other than the extension of credit, to provide the consumer with a written disclosure that includes: the name of the consumer reporting agency that calculated the credit score; the model used to generate the credit score; and the consumer's credit score; prohibits a consumer reporting agency from refusing to sell a consumer's credit score to a requesting entity solely because the requesting entity is required to make the disclosures described in this bill; and provides enforcement procedures for the provisions in this bill.	✗
H.B. 26	Association Lien Amendments	Stanard, J.	M	This bill clarifies the circumstances under which an association of unit owners or an association has a lien against a unit or a lot for an unpaid fine; provides that if a board assesses a fine against a lot owner, the lot owner may: request an informal hearing to dispute the fine within 30 days after the day on which the fine is assessed; and initiate a civil action to appeal a decision from an informal hearing; and makes technical changes.	✓
H.B. 29	County Recorder Index Amendments	Webb, R. C.	M	This bill requires county recorders to keep an index of certain water right numbers.	✓
H.B. 42	Construction Liens Amendments	Webb, R. C.	N	This bill clarifies the claims available under Title 14, Chapter 1, Public Contracts, and Title 14, Chapter 2, Private Contracts; defines and modifies terms in Title 38, Chapter 1a, Preconstruction and Construction Liens; provides that a person who files a preliminary notice that links to a preliminary notice filed by an original contractor has substantially complied with the provisions of Title 38, Chapter 1a, Preconstruction and Construction Liens; modifies the procedure by which a	✓

				mortgage or a trust deed gains priority over an earlier-filed preliminary notice; and makes technical and conforming changes.	
H.B. 56	Mechanics Lien Revisions	McKell, M.	M	This bill provides that a party to a claim for an excessive notice of preconstruction lien or an excessive notice of construction lien may submit that claim to binding arbitration; creates procedures to initiate, conduct, and appeal an arbitration proceeding to resolve a claim for an excessive notice of preconstruction lien or an excessive notice of construction lien; establishes an expedited procedure to nullify a preconstruction lien or a construction lien that is invalid because the lien claimant did not file a notice of preconstruction service or a preliminary service; and makes technical and conforming changes.	✗
H.B. 96	Utah School Readiness Initiative	Hughes, G.	S	This bill creates the School Readiness Board, which provides grants to certain early childhood education programs, and may enter into certain contracts with private entities to provide funding for early childhood education programs for at-risk students.	✓
H.B. 101	Roadway and Sidewalk Safety Amendments	Nielson, J.	N	This bill prohibits individuals from engaging in conduct that impedes or blocks traffic within certain roadways; and prohibits individuals from soliciting money or goods in an aggressive manner on sidewalks within 10 feet of the entrance or exit of a bank or an automated teller machine.	✓
H.B. 115	Condominium and Community Association Lien	Moss, C.	N	This bill requires that a notice of lien, for a lien based on an unpaid assessment or an unpaid fine under Title 57, Chapter 8, Condominium Ownership Act, or Title 57, Chapter 8a, Community Association Act, include the amount of the unpaid assessment or the unpaid fine; requires that a notice of lien include: the lien claimant's name, address, and phone number; or if the lien claimant has a representative for purposes of the lien, the lien claimant's name and the representative's name, address, and phone number; clarifies that a copy of a notice of lien that the lien claimant mails to the person against whom the notice of lien is filed shall include: the date the notice of lien was submitted for recording; and the article number on the certified mail	✓

				receipt; and makes technical and conforming changes.	
H.B. 117	Patent Infringement Amendments	McKell, M.	S	This bill prohibits the distribution of bad faith demand letters asserting patent infringement; allows a person who has been the recipient of a demand letter asserting patent infringement to file an action; allows the court to require the filing of a bond to cover costs of the action; provides remedies; and sets limits on punitive damages.	✓
H.B. 162	Asset Protection Trust Amendments	Tanner, E.	O	This bill creates the Asset Protection Trust Act; defines terms; requires registration of the trust with the Department of Commerce; limits protected trust assets to \$250,000; provides a special exemption for child support, alimony, and property division; and creates an exemption for Medicaid reimbursement.	✗
H.B. 174	Uniform Powers of Appointment Act	Snow, V. L.	M	This bill addresses exercise of power of appointment; addresses compliance with specific reference requirements; enacts the Uniform Powers of Appointment Act, including: general provisions, such as definitions, governing law, and the relationship of common law and principles of equity; providing for the creation, revocation, and amendment of the power of appointment; addressing the exercise of a power of appointment; addressing disclaimer or release and the contract to appoint or not appoint; addressing the rights of a powerholder's creditors in appointive property; and including miscellaneous provisions; and makes technical and conforming amendments.	✗
H.B. 208	Domestic Asset Protection Trust Amendments	Snow, V. L.	O	This bill delineates provisions regarding real property transferred to the trust; clarifies a settlor-trustee's role in determining discretionary distributions; makes clarifying changes to claims for relief for fraudulent transfers; and makes technical changes.	✗
H.B. 255	Disclosure Requirements Prior to Sale of Real Estate	Sagers, D.	O	This bill requires an owner of real property to give a purchaser a copy of a completed hazardous waste disclosure form, developed by the Division of Real Estate, before the purchaser becomes obligated to purchase an interest in the real property; provides a purchaser of an interest in real property 15 business days to perform hazardous waste testing on the real property, unless the owner and the	✗

				purchaser agree to a different time period; requires a real estate purchase contract for the sale of an interest in real property to include signed acknowledgments that the owner has complied with the requirements described in this bill; exempts certain conveyances from the requirements described in this bill; provides a procedure to enforce compliance with the provisions of this bill; allows the division to make rules relating to hazardous waste disclosures, inspection, and testing; and makes technical and conforming changes.	
H.B. 302	Voting Records Amendments	Perry, L.	O	This bill allows a voter to request that the voter's voter registration record be classified as a private record; by filing a signed form with the county clerk; on the voter registration form; or in response to a voter registration notice; requires a county clerk, upon request from a voter, to update the voter's voter registration record to show that the voter registration record is classified as a private record; amends provisions relating to public records; includes as a private record: a voter registration record designated by a voter as private; and the portion of a voter registration record that contains a voter's date of birth; and makes conforming changes.	✗
H.B. 315	Judgment Lien Amendments	Webb, R. C.	N	This bill requires the filing of a separate information sheet with a judgment lien.	✓
H.B. 316	Financial Institutions Fee Amendments	Dunnigan, J.	S	This bill reduces certain fees imposed by statute; addresses use of money by the commissioner; and makes technical changes.	✓
H.B. 330	Credit Card Surcharge Amendments	Powell, K.	N	This bill repeals sections that prohibit a seller from imposing a surcharge on a transaction for \$10,000 or less that is paid for by using a credit card; and makes technical and conforming changes.	✗
H.B. 332	Real Estate Amendments	Froerer, G.	N	This bill modifies the scope of the business of residential mortgage loans; establishes a procedure for the voluntary surrender of a license issued under Title 61, Chapter 2c, Utah Residential Mortgage Practices and Licensing Act; Title 61, Chapter 2f, Real Estate Licensing and Practices Act; and Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act; requires certain state agencies to obtain the concurrence of the Real Estate Commission before the agency makes a rule that	✓

				changes the rights, duties, or obligations of buyers, sellers, or persons licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices Act, in relation to a real estate transaction between private parties; clarifies the procedure for renewal of an expired license under Title 61, Chapter 2f, Real Estate Licensing and Practices Act; provides that the division may send a license issued under Title 61, Chapter 2f, Real Estate Licensing and Practices Act, by mail or by email; clarifies the circumstances under which a buyer's principal broker may directly contact a seller who is represented by a principal broker; provides a statute of limitations for a disciplinary action under Title 61, Chapter 2f, Real Estate Licensing and Practices Act; clarifies the effect of the expiration, revocation, or suspension of a license issued under Title 61, Chapter 2f, Real Estate Licensing and Practices Act; provides that the education and experience requirements for a licensee under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act, must meet or exceed the requirements established by the Appraisal Qualification Board.	
H.B. 359	Workplace Discrimination	Wheatley, M.	M	This bill modifies the remedies available in an administrative action based on prohibited employment practices; provides for civil actions seeking relief from discriminatory or prohibited employment practices; removes language related to exclusive remedy and the affect of a commencement of an action under federal law; and makes technical and conforming changes.	✗
S.B. 17	Water and Irrigation Amendments	Dayton, M.	M	This bill expands the enforcement powers of the state engineer; amends requirements relating to the recording of an instrument transferring or assigning a water right; modifies provisions relating to engaging in well drilling without a license; modifies provisions relating to the relocation or alteration of a natural stream; and amends provisions relating to the duties of the state engineer in the division and distribution of water.	✓
S.B. 20	Trustee's Sale for Rental Property - Sunset Act Amendments	Harper, W.	S	This bill reauthorizes, for an additional two years, certain provisions in Title 57, Chapter 1, Conveyances, related to a notice of trustee's sale for a residential rental property.	✓

S.B. 36	Voter Information Amendments	Mayne, K.	N	<p>This bill prohibits a person, other than an election officer, from using the list of registered voters, or information obtained from the list of registered voters, for certain purposes, including commercial purposes or harassment; subject to certain exceptions, prohibits a person from reproducing the list of registered voters, or information obtained from the list of registered voters; prohibits a person from using the list of registered voters, or information obtained from the list of registered voters, to solicit donations or to conduct surveys; prohibits a person from providing the list of registered voters, or information obtained from the list of registered voters to another person if the person providing the information has reason to believe that the other person will use the list, or information obtained from the list, in violation of the provisions of this bill; provides exceptions to certain provisions of this bill if the list of registered voters, or information obtained from the list of registered voters, is used for political, scholarly, journalistic, or governmental purposes; describes the circumstances under which the lieutenant governor or a county clerk may disclose the list of registered voters or information from the list of registered voters; requires a person who requests the list of registered voters, or information from the list of registered voters, to provide identification, other information, and assurances regarding the use of the list and information from the list; provides that making a false statement when providing the information and assurances described above constitutes a crime; and makes technical changes.</p>	✓
S.B. 124	Financial Institution and Services Amendments	Bramble, C.	S	<p>This bill modifies references to the Utah League of Credit Unions; clarifies dividend requirements; repeals provisions related to loans to or investment in affiliates; addresses stock ownership by banks; deletes references to the Office of Thrift Supervision; addresses voting requirements for voluntary mergers; modifies grandfathering of certain credit unions; modifies exempted transactions under the Utah Consumer Credit Code; addresses fees under the Utah Consumer Credit Code; modifies exemptions under the</p>	✓

				Financial Institution Mortgage Financing Regulation Act; removes a probable cause requirement for the commissioner of financial institutions requiring a lender, broker, or servicer to make records available to the commissioner; addresses fee restrictions; repeals anti-tying provisions; repeals surplus account provisions; repeals provisions related to charging off losses and replenishment of surplus accounts; and makes technical and conforming amendments.	
S.B. 130	Trust Deed Foreclosure Amendments	Harper, W.	N	This bill amends the qualifications and obligations of a single point of contact; limits the requirements described in this bill to a beneficiary that is also a financial institution; clarifies the requirements of the written notice that a beneficiary or servicer must give to a default trustor; clarifies the relationship between federal law and Section 57-1-24.3 ; provides that, under certain circumstances, failure to comply with a requirement of Section 57-1-24.3 does not affect the validity of a trustee's sale to a beneficiary; and makes technical and conforming changes.	✓
S.B. 133	Benefit Corporation Amendments	Valentine, J.	M	This bill enacts the Benefit Corporation Act, including: providing for the application and effect of chapter; defining terms; providing for incorporation as a benefit corporation; providing for election to become a benefit corporation; allowing for termination of benefit corporation status; addressing establishment of corporate purposes; imposing standards of conduct for directors; providing for a benefit director; imposing standards of conduct for officers; providing for a benefit officer; establishing a right of action; requiring an annual benefit report; and addressing availability of an annual benefit report; and makes technical and conforming changes.	✓
S.B. 153	Association Foreclosure Amendments	Urquhart, S.	O	This bill requires the beneficiary of a trust deed that is secured by real property that is subject to an association of unit owners under Title 57, Chapter 8, Condominium Ownership Act, or an association under Title 57, Chapter 8a, Community Association Act, to pay the unit's share of certain common costs to the association beginning 150 days after the trustee records a notice of default.	✗

S.B. 170	Education Loan Amendments	Knudson, P.	N	This bill modifies definition provisions; addresses limitation on garnishments; and makes technical and conforming amendments.	✓
S.B. 207	Corporate Franchise and Income Tax Amendments	Bramble, C.	S	This bill enacts a subtraction from unadjusted income for an increase in income due to claiming certain federal tax credits.	✓
S.B. 211	Water Rights Amendments	Dayton, M.	M	This bill requires that a person who applies for a permanent or temporary change to a water right meet certain qualifications; allows the state engineer, upon receiving a change application, to determine the quantity of water that is being beneficially used and limit approval of the change application based on that determination; and makes technical changes.	✗
S.B. 222	Automatic License Plate Reader System Amendments	Weiler, T.	M	This bill provides that the restrictions on the use of an automatic license plate reader system only apply to a government entity; provides that a government entity may obtain, receive or use privately held captured data only:	✓

Tracking Key

✓ = Passed ✗ = Failed A = Amend M = Monitoring N = Neutral O = Oppose S = Support