

1 **Nonpublic Personal Information Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

2
3 **LONG TITLE**

4 **General Description:**

5 This bill addresses the Notice of Intent to Sell Nonpublic Personal Information Act.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ clarifies that the remedy and liability under the Notice of Intent to Sell Nonpublic
9 Personal Information Act is an individual action and not a class action or action in a
10 representative capacity; and

11 ▶ makes technical and conforming amendments.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **13-37-203**, as enacted by Laws of Utah 2003, Chapter 97

19
20 *Be it enacted by the Legislature of the state of Utah:*

21 Section 1. Section **13-37-203** is amended to read:

22 **13-37-203 . Remedies and liability.**

- 23 (1) [A-] As a person's only remedy under this chapter, a person may bring an individual
24 action, not a class action or act in a representative capacity, against a commercial entity
25 in a [~~court of competent jurisdiction in this state~~] federal or state court with jurisdiction if:
26 (a) the commercial entity enters into a consumer transaction with that person;
27 (b) as a result of the consumer transaction described in Subsection (1)(a), the
28 commercial entity obtains nonpublic personal information concerning that person; and
29 (c) the commercial entity violates this chapter.
- 30 (2) In an action brought under Subsection (1), a commercial entity that violates this chapter
31 is liable to the person individually, but not to a class or to a person in a representative

- 32 capacity, who brings the action for:
- 33 (a) \$500 for each time the commercial entity fails to provide the notice required by this
- 34 section in relation to the nonpublic personal information of the person who brings the
- 35 action; and
- 36 (b) court costs.

37 [~~(3) A person may not bring a class action under this chapter.~~]

38 Section 2. **Effective Date.**

39 This bill takes effect on May 7, 2025.