
SELECT BUSINESS AND LABOR LEGISLATION

2006 GENERAL SESSION

The following lists selected legislation enacted during the 2006 General Session related to areas overseen by the Business and Labor Interim Committee. This is not a comprehensive listing of all legislation that may impact the business and labor communities. For a more comprehensive list, contact the Office of Legislative Research and General Counsel or review its Digest of Legislation.

ALCOHOL BEVERAGE CONTROL

S.B. 19 Amendments to Indoor Clean Air Act (Sen. Waddoups)

This bill amends the Indoor Clean Air Act. This bill:

- ▶ amends the definition of "place of public access" in which smoking is prohibited to:
 - include child care not subject to licensure or certification;
 - remove an exclusion for certain smoking by adults at private schools or educational facilities;
 - include certain social, fraternal, or religious organization buildings;
 - include certain facilities rented or leased for private functions;
 - include certain workplaces; and
 - include private clubs;
- ▶ removes the exceptions from the Indoor Clean Air Act for:
 - certain social, fraternal, or religious organization buildings;
 - certain facilities rented or leased for private functions;
 - workplace smoking areas; and
 - taverns and private clubs, according to specified dates;
- ▶ provides a repeal date for provisions for adjoining private clubs and public places; and
- ▶ makes technical changes.

S.B. 58 Alcoholic Beverage Amendments - Eliminating Alcohol Sales to Youth (Sen. Knudson)

This bill modifies the Alcoholic Beverage Control Act and related statutes to address state policy in funding the Alcoholic Beverage Enforcement and Treatment Restricted Account and issues relating to preventing sales of alcohol to minors. This bill:

- ▶ amends definitions;
- ▶ clarifies the statewide public purpose of appropriations from the Alcoholic Beverage Enforcement and Treatment Restricted Account and the licenses considered in calculation formulas under from that account;
- ▶ modifies provisions related to alcohol training and education seminars including:
 - training for persons who sell or directly supervise the sale of beer for an off-premise beer retailer that sells beer for off-premise consumption; and
 - penalties if certain individuals fail to complete an alcohol training and education seminar;
- ▶ imposes requirements on off-premise beer retailers;
- ▶ requires the creation of a tracking system for violations related to the sale of alcoholic beverages to a minor;
- ▶ addresses penalties related to the sale of alcoholic beverages to a minor;
- ▶ modifies the duties of certain state agencies;
- ▶ modifies provisions related to the investigation of the sales of alcohol or tobacco to underage individuals; and
- ▶ makes technical changes.

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$543,750 from the General Fund for fiscal year 2006-07, to the Department of Public Safety to be used by the Highway Safety Office as provided in Section 32A-10-103; and
- ▶ \$1,631,250 from the General Fund for fiscal year 2006-07 only, to the Department of Alcoholic Beverage Control to be used as provided in this bill for media and education campaigns.

S.B. 124 Alcohol Beverage Control Amendments (Sen. Knudson)

This bill modifies the Alcoholic Beverage Control Act and related provisions. This bill:

- ▶ modifies powers and duties of the commission;
- ▶ addresses adjudicative proceedings including:
 - defining "disciplinary proceeding";
 - addressing how proceedings are to be conducted;
 - clarifying the relationship of proceedings to the Administrative Procedures Act;
 - allowing the commission to have the director prepare, issue, and cause to be served final written orders; and
 - addressing holders of a certificate of approval;
- ▶ amends the number of certain licenses that may be issued by the commission in relationship to the state's population;
- ▶ addresses factors the commission shall consider before granting certain permits;
- ▶ modifies provision prohibiting operating without a license or permit;
- ▶ modifies the Administrative Procedures Act to clarify that certain applications filed under the Alcoholic Beverage Control Act are not requests for agency action;

- removes out-of-date language; and
- makes technical changes.

COMMERCE

Business Entities

H.B. 127 Limited Liability Company Amendments (Rep. Adams)

This bill modifies Title 48, Chapter 2c, Utah Revised Limited Liability Company Act. This bill:

- allows the creation of a series within a limited liability company;
- provides that a series may have a separate business purpose and separate rights and liabilities from the limited liability company or another series of the company;
- describes the requirements for creating a series;
- provides a method for making distributions from a series;
- outlines methods for termination of a series;
- describes the winding up process for a series;
- outlines the requirements for a foreign limited liability company, the operating agreement of which allows the creation of a series, to do business in the state; and
- makes technical changes.

S.B. 84 Nonprofit Entity Amendments (Sen. Hillyard)

This bill makes changes to Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act. This bill:

- defines terms;
- addresses the prosecution of a derivative suit by a member or director of a nonprofit corporation;
- requires an annual meeting be held by a nonprofit corporation unless the bylaws eliminate the requirement;
- describes the effect of failure to hold an annual meeting;
- prescribes notice requirements for an annual meeting;
- provides that a director or officer is liable for a breach of duty if the director or officer is grossly negligent;
- allows a nonprofit corporation to avoid indemnification of a director if the nonprofit corporation's bylaws limit indemnification;
- addresses the effect of conversion of a nonprofit corporation to another form;
- addresses the amendment of a nonprofit corporation's bylaws;
- addresses the requirements for a merger of multiple entities into a domestic nonprofit corporation;
- allows distributions of assets upon dissolution to another nonprofit corporation or a mutual benefit corporation;
- requires that distribution of a nonprofit corporation's assets comply with the Internal Revenue Code; and
- makes technical changes.

S.B. 137 Business Organization and Division of Corporations and Commercial Code Amendments (Sen. Bell)

This bill modifies certain provisions affecting business organizations and the Division of Corporations and Commercial Code. This bill:

- allows a document required to be filed by a nonprofit corporation or a corporation to be signed by an attorney in fact;
- provides that a claim against a dissolved corporation may not be made more than seven years after the dissolution;
- changes the fee that may be collected by the Division of Corporations and Commercial Code for service of process upon the division under Sections 41-12a-505 and 48-2c-310; and
- makes technical changes.

S.B. 165 Corporations - Professional Services Amendment (Sen. Hillyard)

This bill amends Title 16, Chapter 11, Professional Corporation Act, to include service provided by a landscape architect as a professional service. This bill:

- amends Title 16, Chapter 11, Professional Corporation Act, to include service provided by a landscape architect as a professional service;
- clarifies what address incorporators must use in articles of incorporation; and
- makes technical changes.

Consumer Protection

H.B. 65 Consumer Protection Agency (Rep. Lawrence)

This bill appropriates \$20,000 from the General Fund for FY 2006-07 only, to the Division of Consumer Protection to fund a public awareness campaign educating Utah consumers as to a consumer's rights under Title 13, Chapter 11, Utah Consumer Sales Practices Act, and the existence and role of the Division of Consumer Protection in assisting consumers.

H.B. 417 Amendments to Child Protection Registry (Rep. Hutchings)

This bill makes changes to the Child Protection Registry. This bill:

- allows a mobile or other telephone number to be designated as a contact point;
- allows a person to send a communication to a contact point on the Child Protection Registry if the person receives written consent from an adult to receive communications covered by the registry;
- allows registration of a contact point if used in a household in which a minor is present;
- allows the division to offer discounted fees for senders using advanced security conditions;
- exempts records from disclosure;
- addresses awareness campaigns; and

- ▶ makes technical changes.

H.B. 428 Consumer Sales Practices Act Amendments (Rep. Lawrence)

This bill amends the list of deceptive acts or practices a supplier is prohibited from committing. This bill:

- ▶ prohibits a supplier from sending a mailing to a person that appears to be a bill, statement, or request for payment for an unsolicited product or service, or that implies that the mailing requests payment for an ongoing product or service the person has not received, without including notice that the mailing is not a bill; and
- ▶ makes technical changes.

S.B. 66 Price Controls During Emergencies Amendments (Sen. Arent)

This bill addresses the territorial extent of an emergency for purposes Title 13, Chapter 41, Price Controls During Emergencies Act. This bill:

- ▶ defines "emergency territory"; and
- ▶ makes technical changes.

S.B. 69 Protection of Information in Consumer Credit Databases (Sen. Walker)

This bill addresses the integrity of consumer credit databases. This bill:

- ▶ defines terms;
- ▶ requires a person maintaining personal information in connection with a business to implement procedures to protect personal information;
- ▶ requires destruction of certain records;
- ▶ requires disclosure of breaches of databases containing personal information; and
- ▶ provides for enforcement by the attorney general.

This bill appropriates from the General Fund to the attorney general:

- ▶ as an ongoing appropriation subject to future budget constraints, \$89,400 for fiscal year 2006-07; and
- ▶ \$23,000 for fiscal year 2006-07 only.

S.B. 71 Consumer Credit Protection (Sen. Walker)

This bill addresses consumer credit protections. This bill:

- ▶ defines terms;
- ▶ allows a consumer to place a security freeze on the consumer's credit report;
- ▶ outlines the method for placing and removing a security freeze;
- ▶ provides exceptions;
- ▶ prohibits the release of a credit report that is subject to a security freeze, except in certain instances;
- ▶ allows certain fees to be charged in connection with a security freeze;
- ▶ governs changes to a credit report that is subject to a security freeze;
- ▶ prohibits some uses of a consumer's personal information; and
- ▶ provides for enforcement.

S.B. 79 Uniform Debt-Management Services Act (Sen. Hillyard)

This bill establishes the Uniform Debt-Management Services Act within the Department of Commerce to be administered by the Division of Consumer Protection. This bill:

- ▶ amends definitions applicable to the Credit Services Organizations Act;
- ▶ provides definitions related to the Uniform Debt-Management Act;
- ▶ provides for an exemption for certain agreements and persons;
- ▶ establishes application for registration requirements and obligations;
- ▶ requires the administrator to issue a certificate of registration or deny registration;
- ▶ establishes criteria for the certification or denial of registration;
- ▶ addresses renewal procedures and authorization in another state;
- ▶ provides for rulemaking with regard to authorization in another state;
- ▶ requires a provider to file a surety bond or substitute, act in good faith, and maintain a toll-free customer-service communications system;
- ▶ establishes prerequisites for providing debt-management services;
- ▶ allows for communication by electronic or other means and establishes consumer consent requirements;
- ▶ sets out the form and content requirements for debt-management agreements;
- ▶ provides for cancellation of an agreement within 30 days when notice is given to provider;
- ▶ requires disclosures or documents to be in English, unless the provider primarily communicates with the individual in another language;
- ▶ requires providers to maintain trust accounts and determines how funds in trust accounts shall be disbursed and reconciled;
- ▶ allows for the imposition of fees and other charges;
- ▶ prohibits a provider from soliciting voluntary contributions and provides for the acceptance of certain voluntary contributions;
- ▶ permits an agreement to be voidable in certain instances;
- ▶ allows for termination of agreements;
- ▶ requires periodic reports and retention of records;
- ▶ sets out prohibited acts and practices;
- ▶ requires notification to the administrator when a provider is served with a notice of civil action;
- ▶ provides that the provider is liable for any delegated duty or obligation under an agreement;
- ▶ addresses advertising;
- ▶ establishes the power and duties of the administrator and administrative remedies;
- ▶ provides that monies from administrative fines be deposited into the Consumer Protection Education and Training Fund;
- ▶ sets out conditions under which the administrator may suspend, revoke, or deny renewal of a provider's registration, and seek a court order authorizing seizure of any or all money in a trust account;
- ▶ provides for private enforcement to individuals against providers who violate this chapter;

- provides a statute of limitations;
- addresses violation of Consumer Sales Practices Act;
- requires uniformity of application and construction;
- modifies, limits, and supersedes certain provisions of the federal Electronic Signatures in Global and National Commerce Act;
- provides a transitional provision; and
- provides a severability clause.

S.B. 147 Division of Consumer Protection Amendments (Sen. Eastman)

This bill addresses various provisions administered by the Division of Consumer Protection. This bill:

- increases the maximum amount of an administrative fine under Title 13, Chapter 15, Business Opportunity Disclosure Act;
- expands the definition of a credit services organization under Title 13, Chapter 21, Credit Services Organizations Act;
- increases the maximum amount of an administrative fine under Title 13, Chapter 21, Credit Services Organizations Act;
- narrows the definition of a health spa under Title 13, Chapter 23, Health Spa Services Protection Act;
- clarifies an exemption from bond requirements under Title 13, Chapter 23, Health Spa Services Protection Act;
- eliminates references limiting an exemption from Title 13, Chapter 34, Utah Postsecondary Proprietary School Act, to Utah schools;
- clarifies an exemption under Title 13, Chapter 34, Utah Postsecondary Proprietary School Act, for aviation training; and
- makes technical changes.

S.B. 182 Direct Sales Amendments (Sen. Madsen)

This bill amends Title 76, Chapter 6a, Pyramid Scheme Act. This bill:

- defines "compensation" to exclude commissions earned for the sale of goods or services for actual consumption;
- makes participation in a pyramid scheme only by receiving compensation for recruiting another person a class B misdemeanor; and
- makes technical changes.

Licensing (not health care related)

H.B. 74 Athletic Trainer Licensing Act (Rep. Ray)

This bill enacts the Athletic Trainer Licensing Act. This bill:

- enacts the Athletic Trainer Licensing Act;
- establishes the Athletic Trainers Licensing Board and its duties and responsibilities;
- provides for the licensing of athletic trainers;
- establishes qualifications for an athletic trainer license;
- establishes the scope of practice of an athletic trainer;
- provides exemptions from licensure; and
- defines unprofessional conduct.

H.B. 160 Construction Standard Amendments (Rep. Morley)

This bill makes changes related to the construction industry. This bill:

- defines terms;
- addresses unenforced and wrongful liens;
- addresses standards for filings made to the State Construction Registry (SCR);
- requires notice of subsequent filings to a person who has filed a notice for a construction project;
- addresses notice filed on behalf of another person;
- provides that a person filing a notice in the SCR is responsible for the correctness and accuracy of the information;
- addresses the designated agent's responsibilities for maintaining data entry accuracy standards and other responsibilities;
- addresses the effect of an inaccuracy on a filing in the SCR;
- addresses the filing of a notice of completion;
- addresses the effect of failure to file a required notice in the SCR;
- provides liability protection to the designated agent for the designated agent's maintenance of the SCR;
- provides for standardized building permit forms; and
- makes technical changes.

H.B. 284 Veterinary Practice Act Amendments (Rep. Mathis)

This bill amends the Veterinary Practice Act. This bill:

- amends definitions;
- amends duties of the veterinary practice board;
- creates a licensing category for veterinary interns and requires licensing of veterinary interns;
- creates a continuing education requirement for licensure;
- adds exemptions to licensure requirements;
- defines unlicensed assistive personnel which includes veterinary assistants, veterinary technicians, and veterinary technologists and establishes that it is not unprofessional conduct for a veterinarian to delegate certain tasks to those unlicensed assistants if:
 - the veterinarian provides the level of supervision required in the bill; and
 - the delegation of duties does not violate the standards and ethics of the profession;
- provides standards of practice for:
 - reporting animal cruelty;
 - maintaining and disclosing medical records; and
 - veterinary-client-patient relationships; and
- makes technical changes.

S.B. 68 Plumbing License Qualifications Amendments (Sen. Hellewell)

This bill modifies provisions of the Utah Construction Trades Licensing Act related to working relationships between licensed plumbers and licensed apprentice plumbers. This bill:

- ▶ provides that a licensed apprentice plumber shall be under the immediate supervision of a licensed journeyman plumber or a licensed residential journeyman plumber; and
- ▶ provides that a licensed apprentice plumber in the fourth through tenth year of training may work without supervision for a period not to exceed eight hours in any 24-hour period.

S.B. 92 Certification of Crane Operators (Sen. Davis)

This bill modifies the Construction Trades Licensing Chapter of the Occupations and Professions Title by requiring the certification of crane operators. This bill:

- ▶ provides for definitions related to the certification of crane operators;
- ▶ provides for an exemption from certification;
- ▶ requires an individual to be certified as a crane operator in order to operate a crane on commercial construction, demolition, or excavation projects; and
- ▶ provides a penalty for unlawful conduct in operating a crane.

S.B. 176 Contact Lens Consumer Protection Act (Sen. Bramble)

This bill enacts the Contact Lens Consumer Protection Act within the Utah Optometry Practice Act in relation to producing, prescribing, marketing, selling, and distributing contact lenses. This bill:

- ▶ defines "alternative channels of distribution," "competitor," "manufacturer," and "prescriber" for purposes of the Contact Lens Consumer Protection Act;
- ▶ provides that a manufacturer of contact lenses who sells, markets, or distributes contact lenses in the state shall certify by affidavit to the attorney general that the brand of lenses are made available in a commercially reasonable and nondiscriminatory manner to prescribers, entities associated with prescribers, and alternative channels of distribution;
- ▶ provides for exceptions and limitations regarding the conduct of prescribers and manufacturers; and
- ▶ provides penalties for violations.

S.B. 234 Servicing of Heating or Cooling Duct Systems (Sen. Hellewell)

This bill modifies provisions of the Utah Construction Trades Licensing Act related to the installation, repair, maintenance, cleaning, or replacement of a residential or commercial gas appliance or combustion system. This bill:

- ▶ modifies the definition of a combustion system to specifically include air ducts; and
- ▶ modifies provisions related to the work and scope of practice in the installation, repair, maintenance, cleaning, or replacement of a residential or commercial combustion system by requiring certification for maintenance and cleaning in addition to the current certification required for installation, repair, or replacement of a combustion system.

Miscellaneous

H.B. 39 Utah International Trade Commission (Rep. Allen)

This bill creates a legislative commission to address international trade issues. This bill:

- ▶ provides for a legislative commission to study policy issues concerning:
 - international trade treaties' effects on the Legislature's regulation of state affairs;
 - creation of trade-related position in state government; and
 - the promotion of international trade relationships with Utah;
- ▶ requires the governor to consult with the commission before binding the state to an international trade agreement; and
- ▶ provides a repeal date.

S.B. 109 Uniform Commercial Code - Warehouse Receipts, Bills of Lading, and Other Documents of Title (Sen. Hillyard)

This bill modifies the Uniform Commercial Code's treatment of documents of title and related amendments. This bill:

- ▶ repeals Title 70A, Chapter 7, Uniform Commercial Code - Documents of Title;
- ▶ enacts the revised Article 7 of the Uniform Commercial Code in Title 70A, Chapter 7a, Uniform Commercial Code - Documents of Title, with provisions including:
 - electronic documents of title;
 - warehouse receipts;
 - bills of lading; and
 - the obligations, liabilities, negotiation, and transfer of documents of title;
- ▶ amends other provisions of Title 70A, Uniform Commercial Code, to conform with the adoption of Title 70A, Chapter 7a, Uniform Commercial Code - Documents of Title; and
- ▶ makes technical amendments.

S.B. 123 Utah Consumer Credit Code Amendments (Sen. Knudson)

This bill modifies the Utah Consumer Credit Code. This bill:

- ▶ expands exempted transactions related to education loans;
- ▶ requires that notice of a change of terms of open-end consumer credit contracts be:
 - mailed or delivered; and
 - in a manner consistent with the federal Truth in Lending Act and implementing regulations; and
- ▶ makes technical changes.

S.B. 232 Amendments to Pete Suazo Athlete Commission (Sen. Mayne)

This bill makes changes to the regulation of boxing. This bill:

- ▶ defines terms;
- ▶ eliminates the position of director and creates the position of commission secretary;
- ▶ allows the commission to issue subpoenas and take evidence;
- ▶ requires a physician for a boxing contest to be selected from among a list of commission-approved physicians;
- ▶ classifies certain positions as licensees;
- ▶ changes a term-limitation provision for commission members;
- ▶ requires a period of time between contests for a contestant; and
- ▶ makes technical changes.

S.B. 252 Consumer Credit Code Amendments (Sen. Bramble)

This bill modifies the Utah Consumer Credit Code. This bill:

- ▶ imposes requirements on waiver of class action rights related to closed-end consumer contracts and open-end consumer credit contracts;
- ▶ modifies provisions related to changing an open-end consumer credit contract; and
- ▶ makes technical changes.

S.B. 268 Property Rights Ombudsman (Sen. Mansell)

This bill makes changes to the Office of the Property Rights Ombudsman. This bill:

- ▶ defines terms;
- ▶ moves the Office of the Property Rights Ombudsman to the Department of Commerce;
- ▶ creates the Land Use and Eminent Domain Advisory Board;
- ▶ outlines the board's appointment, expenses, and duties;
- ▶ outlines the Office of the Property Rights Ombudsman's duties;
- ▶ provides for arbitration of matters brought to the Office of the Property Rights Ombudsman;
- ▶ describes the effect of an arbitration;
- ▶ allows for the issuance of advisory opinions; and
- ▶ describes the effect of an advisory opinion.

FINANCIAL INSTITUTIONS

H.B. 365 Automated Teller Machine Fees (Rep. Walker)

This bill modifies the Financial Institutions Act addressing automated teller machine transaction fees. This bill:

- ▶ provides that permitted transaction fees include a fee or surcharge involving a depository institution outside of the United States; and
- ▶ makes technical changes.

H.B. 430 Department of Financial Institutions Pay Plan (Rep. Alexander)

This bill modifies provisions governing compensation for employees of the Department of Financial Institutions. This bill:

- ▶ requires that a market comparability study for employees of the Department of Financial Institutions be based on a survey of certain federal entities; and
- ▶ sets the salary for the commissioner of financial institutions as a percentage of the highest paid employee of the department.

S.B. 116 Department of Financial Institution's Fees (Sen. Hillyard)

This bill modifies the Financial Institutions Act to address fees. This bill:

- ▶ modifies fees charged by the Department of Financial Institutions; and
- ▶ makes technical changes.

S.B. 162 Department of Financial Institutions Enforcement of Applicable Law (Sen. Hillyard)

This bill modifies the Financial Institutions Act, Utah Uniform Consumer Credit Code, and the Mortgage Lending and Servicing Act to address enforcement of federal, state, or local law. This bill:

- ▶ makes a violation of applicable federal law a violation of the Financial Institutions Act and provides for enforcement;
- ▶ expands the federal laws enforced under certain registration acts;
- ▶ clarifies enforcement of federal law under certain registration acts;
- ▶ clarifies enforcement of rules under certain registration acts;
- ▶ addresses enforcement under the Utah Uniform Consumer Credit Code including enforcement of federal law;
- ▶ makes a violation of applicable federal law a violation of the Mortgage Lending and Servicing Act that can be enforced by the department;
- ▶ repeals language related to compliance with other applicable law related to banks, bank subsidiaries, and persons employed or appointed by banks or bank subsidiaries; and
- ▶ makes technical changes.

INSURANCE

Health Insurance

H.B. 156 Health Insurance Accessibility (Rep. Dunnigan)

This bill amends provisions related to health insurance in the Insurance Code. This bill:

- ▶ clarifies that a health insurance policy or health maintenance organization policy may not deny a claim for emergency care for a covered evaluation, covered diagnostic test, or other covered treatment;
- ▶ amends the following provisions that permit an individual carrier to exclude specific physical conditions, diseases or disorders from medical insurance coverage:

- adds specific disorders and diseases to the list of conditions that may be excluded;
- expands application of the exclusion to exclude both the specific condition and any complications from that condition; and
- amends language related to secondary medical conditions that may or may not be directly related to the excluded condition;
- ▶ permits an individual carrier, at the carrier's option, to keep the exclusion rider in effect for the duration of the policy;
- ▶ clarifies requirement for a health insurance policy to provide coverage for a policyholder's unmarried disabled dependent; and
- ▶ amends the Utah mini-Cobra benefits coverage.

H.B. 199 Insurance Amendments - Adoption Indemnity Benefit (Rep. Newbold)

This bill clarifies the adoption indemnity benefits in the Insurance Code. This bill:

- ▶ clarifies that the requirements for adoption indemnity benefits in health insurance policies establishes the minimum requirements and does not prohibit an insurer from offering greater benefits.

H.B. 204 Comprehensive Health Insurance Pool Amendments (Rep. Wallace)

This bill amends the Comprehensive Health Insurance Pool Act. This bill:

- ▶ removes the term "low cost" from the purpose statement for the high risk pool; and
- ▶ amends language regarding coinsurance and maximum out-of-pocket payments for prescription benefits.

H.J.R. 2 Resolution Urging Congressional Action on the Tax Deductibility of Medical Expenses by Individuals (Rep. Hutchings)

This joint resolution of the Legislature urges Congress to adopt the Health Care Freedom of Choice Act, H.R. 4625, 109th Cong. (2005) related to the tax deductibility of medical expenses by individuals. This resolution:

- ▶ urges Congress to adopt the Health Care Freedom of Choice Act, H.R. 4625, 109th Cong. (2005), which provides a deduction for uncompensated medical care of a taxpayer, a taxpayer's spouse, or a taxpayer's dependents; and
- ▶ provides for the distribution of the resolution.

Life Insurance

H.B. 32 Life Insurance and Annuity Law Amendments (Rep. Dunnigan)

This bill modifies the Insurance Code related to life insurance and annuities. This bill:

- ▶ grants rulemaking authority related to life insurance policies, annuity contracts, or certificates;
- ▶ modifies the amount of life insurance when conversions occur; and
- ▶ makes technical changes.

Miscellaneous

H.B. 33 Insurance Related Investment Amendments (Rep. Dunnigan)

This bill modifies the Insurance Code related to investments. This bill:

- ▶ modifies the power to hold property in other than an insurer's own name including:
 - enforcement of these provisions; and
 - treatment of securities kept in violation of the provisions;
- ▶ expands the permitted classes of investment;
- ▶ modifies investment limitations; and
- ▶ makes technical changes.

H.B. 34 Insurance Reports, Tables, and Examination Amendments (Rep. Dunnigan)

This bill modifies the Insurance Code to address reports, tables, and examinations. This bill:

- ▶ expands purposes for which annual statement forms developed by the National Association of Insurance Commissioners shall be used;
- ▶ modifies examination provisions;
- ▶ addresses market regulation surveillance;
- ▶ grants rulemaking authority;
- ▶ addresses cooperation with other states in conducting examinations;
- ▶ addresses relationship to Utah's Administrative Procedures Act;
- ▶ deletes the requirement that the commissioner obtain and publish certain tables;
- ▶ adjusts reporting requirements of captive insurance companies; and
- ▶ makes technical changes.

H.B. 233 Insurance Licensing Amendments (Rep. Dunnigan)

This bill modifies the Insurance Code to address licensing. This bill:

- ▶ modifies timing for reporting to the commissioner that administrative or criminal action has been taken against certain persons;
- ▶ provides for rulemaking;
- ▶ amends provisions related to revoking, suspending, surrendering, lapsing, or limiting licenses, license types, or classifications;
- ▶ amends provisions related to probation;
- ▶ modifies the information a provider of viatical settlements is required to provide the Insurance Department;
- ▶ modifies requirements for a title insurance producer or agency license;
- ▶ enacts language addressing license lapse and voluntary surrender; and
- ▶ makes technical changes.

H.B. 272 Insurance Law Amendments (Rep. Kiser)

This bill modifies the Insurance Code. This bill:

- ▶ amends definition of life insurance;
- ▶ expands immunity provision to include authorized representatives of the commissioner or an examiner appointed by the commissioner;
- ▶ clarifies taxation of a captive insurance company;
- ▶ modifies citations related to voluntary dissolution of a domestic insurance corporation;
- ▶ provides that the Utah Life and Health Insurance Guaranty Association is not a state agency; and
- ▶ makes technical changes.

H.B. 308 Insurance Policy and Contract Law Amendments (Rep. Kiser)

This bill modifies the Insurance Code to address requirements for policies or contracts. This bill:

- ▶ clarifies the scope of the provisions related to insurance contracts in general and contracts in specific lines;
- ▶ provides that an insurer unless otherwise provided by the Insurance Code shall follow the terms of an insurance policy issued or assumed by the insurer;
- ▶ clarifies application to cancellations of a reference in the provision related to nonrenewal of insurance policies by an insurer;
- ▶ addresses minimum requirements for personal injury protection coverage and benefits; and
- ▶ makes technical changes.

S.B. 14 Insurance Department - Sunset Amendments and Revisions (Sen. Jenkins)

This bill modifies the Insurance Code to address sunset dates for e-commerce fees. This bill:

- ▶ deletes the time frame limiting when e-commerce fees are treated as dedicated credits;
- ▶ deletes the sunset date for the e-commerce fees; and
- ▶ makes technical changes and conforming amendments.

S.B. 115 Continuing Education in Insurance (Sen. Hatch)

This bill modifies the Insurance Code to address continuing education requirements. This bill:

- ▶ provides different continuing education requirements for title insurance producers who have been licensed 20 or more consecutive years;
- ▶ provides that an attorney meeting requirements for the Utah State Bar meets the continuing education requirements for certain title insurance licenses;
- ▶ requires continuing education documentation to be retained for two years; and
- ▶ makes technical changes.

S.B. 136 Tax on Insurance Premiums (Sen. Bramble)

This bill decreases the tax rate paid by corporations on certain insurance premiums for the purchase of variable life insurance. This bill:

- ▶ decreases the tax rate paid by corporations on certain insurance premiums for the purchase of variable life insurance;
- ▶ amends confidentiality provisions to allow the State Tax Commission to report information regarding taxes paid on certain variable life insurance premiums;
- ▶ requires the Revenue and Taxation Interim Committee to study rate reduction on certain variable life insurance premiums; and
- ▶ makes technical changes.

LABOR Miscellaneous

S.B. 40 Mine Safety and Certificate Amendments (Sen. Dmitrich)

This bill amends provisions relating to the Labor Commission's authority to issue certificates for coal and other hydrocarbon mining. This bill:

- ▶ adds provisions regarding mine electrician certificates;
- ▶ allows the commission to issue certificates for all hydrocarbon mining, in addition to coal mining; and
- ▶ makes technical changes.

S.B. 93 Boiler and Elevator Safety Provisions (Sen. Mayne)

This bill modifies the Utah Labor Code to address the safety division. This bill:

- ▶ clarifies regulatory authority of the safety division;
- ▶ changes the name of the safety division; and
- ▶ makes technical changes.

Workers' Compensation

H.B. 9 Workers' Compensation Studies Including Coverage of Firefighters and Drug Officers (Rep. Murray)

This bill modifies the Utah Labor Code to provide for a study of the medical causality between exposure of firefighters and drug officers and certain diseases. This bill:

- ▶ provides for use of monies in the Workplace Safety Account to study certain workers' compensation issues;
- ▶ provides for the study of certain workers' compensation issues; and
- ▶ makes technical changes.

This bill appropriates \$250,000 for fiscal year 2006-07 and \$250,000 for fiscal year 2007-08 only, from the Workplace Safety Account to the Labor Commission to contract for the study required by this bill.

H.B. 72 Workers' Compensation for the State (Rep. Snow)

This bill amends the Insurance Code, the Utah Labor Code, and the Utah Administrative Services Code to address workers' compensation coverage for the state. This bill:

- ▶ addresses the makeup of the Workers' Compensation Fund's board of directors;
- ▶ beginning July 1, 2007, deletes requirement that state entities pay the Workers' Compensation Fund for workers' compensation coverage;
- ▶ beginning July 1, 2007, establishes requirements for the state to secure the payment of workers' compensation benefits for its employees;
- ▶ addresses duties of the risk manager;
- ▶ addresses the application to the state of certain statutes applicable to self-insured employers; and
- ▶ makes conforming amendments and technical changes.

H.B. 150 Workers' Compensation Revisions *(Rep. Morley)*

This bill modifies provisions related to the Workers' Compensation Act and the Utah Occupational Disease Act. This bill:

- ▶ addresses when an employer of a contractor, subcontractor, or their employees is protected by the exclusive remedy of workers' compensation;
- ▶ defines terms related to managed health care programs and provides for consistent use of terms;
- ▶ expands the persons with whom and purposes for which contracts may be made in a managed health care workers' compensation setting;
- ▶ addresses workplace accident and injury reduction programs;
- ▶ expands requirements for a workers' compensation carrier's designated agent;
- ▶ gives the commission the exclusive jurisdiction and authority to determine the reasonableness and to adjudicate the collection of certain amounts related to workers' compensation benefits;
- ▶ addresses treatment of hospital services for purposes of workers' compensation;
- ▶ addresses reporting requirements;
- ▶ addresses contracts with providers of health services relating to the pricing of goods and services;
- ▶ clarifies burden of proof in permanent total disability claims;
- ▶ addresses who may file an application for a hearing;
- ▶ deletes out-of-date language;
- ▶ makes technical changes; and
- ▶ provides for legislative intent.

REAL ESTATE

H.B. 315 Real Estate Amendments *(Rep. Snow)*

This bill modifies provisions related to the Division of Real Estate's regulation of real estate issues. This bill:

- ▶ modifies exemptions for persons or transactions;
- ▶ permits a member of the Real Estate Commission to serve two consecutive terms;
- ▶ modifies limit on the amount of a civil penalty;
- ▶ modifies grounds for disciplinary action; and
- ▶ makes technical changes.

S.B. 99 County Recorder Amendments *(Sen. Thomas)*

This bill modifies provisions relating to counties. This bill:

- ▶ provides that a county recorder does not violate the law by placing certain information on a document;
- ▶ modifies provisions related to county recorder fees;
- ▶ requires a person's typed or printed name on a recorded document to appear just beneath the person's signature; and
- ▶ modifies a provision related to termination of a joint tenancy, tenancy by the entirety, life estate, or determinable or conditional interest to require an affidavit to be recorded in the county recorder's office in order to terminate the interest.

S.B. 128 Revolving Credit Line Trust Deed *(Sen. Hatch)*

This bill addresses the use of a revolving credit line trust deed. This bill:

- ▶ defines "revolving credit line";
- ▶ addresses a secured lender's release of security under a revolving credit line; and
- ▶ makes technical changes.

S.B. 130 Joint Tenancy Amendments *(Sen. Hatch)*

This bill addresses the severance of a joint tenancy. This bill:

- ▶ addresses the severance of a joint tenancy;
- ▶ clarifies the effect of the severance of a joint tenancy on remaining joint tenants; and
- ▶ makes technical changes.

S.B. 153 Uniform Environmental Covenants Act *(Sen. Hillyard)*

This bill enacts the Uniform Environmental Covenants Act. This bill:

- ▶ defines terms;
- ▶ identifies who may be a holder of an environmental covenant;
- ▶ defines the rights of a holder of an environmental covenant;
- ▶ outlines the required and optional elements of an environmental covenant;
- ▶ describes the effect of an environmental covenant on other interests and instruments;
- ▶ provides that the chapter does not authorize a use of real property prohibited by:
 - a zoning law;
 - other land use law; or

- a recorded instrument with priority over an environmental covenant;
- ▶ provides a notice requirement for an environmental covenant;
- ▶ provides for the recording of an environmental covenant;
- ▶ provides for determining the duration of an environmental covenant;
- ▶ provides for amendments to or termination of an environmental covenant;
- ▶ provides for civil enforcement of an environmental covenant;
- ▶ includes provisions regarding interpretation of the chapter and its relation to certain federal laws; and
- ▶ contains a severability clause.

S.B. 168 Community Association Act Amendments (Sen. Waddoups)

This bill allows a homeowner association to impose fines for violations of the association's rules. This bill:

- ▶ allows a homeowner association to impose fines for violations of the association's rules;
- ▶ requires the homeowner association to notify a lot owner of a violation and inform the lot owner of applicable fines; and
- ▶ provides for a hearing in which a lot owner may protest fines.

S.B. 205 Real Property - Partial Release or Partial Reconveyance (Sen. Hatch)

This bill addresses partial releases and reconveyances of real property. This bill:

- ▶ expands the definition of "delivery" applicable to reconveyances and releases of real property;
- ▶ eliminates the need to record a copy of a release or reconveyance of a mortgage or trust deed;
- ▶ outlines the method of partially reconveying or partially releasing real property subject to a trust deed or mortgage;
- ▶ provides forms for certain documents required to partially reconvey or release real property subject to a trust deed or mortgage; and
- ▶ makes technical changes.

MISCELLANEOUS

H.B. 26 Filing Liens (Rep. S. Clark)

This bill modifies a provision related to filing a lien. This bill:

- ▶ provides that mechanics' liens be filed within 90 days after the date of final completion of the original contract;
- ▶ clarifies a cross reference; and
- ▶ makes technical changes.

S.B. 161 Mechanics' Lien and Payment Amendments (Sen. Jenkins)

This bill modifies the lien provisions to address mechanics' liens or payment rights including the waiver of such liens or rights. This bill:

- ▶ enacts language addressing waiver or impairment of mechanics' lien rights;
- ▶ creates forms for waiver and release of mechanics' liens or bond rights that may be used to comply with waiver and release requirements;
- ▶ creates forms for restrictive endorsements related to waiver and release that may be used to comply with waiver and release requirements;
- ▶ addresses when payments are made by checks;
- ▶ addresses the enforcement of accord and satisfactions or settlements;
- ▶ addresses enforcement of waivers and releases not complying with the new provision; and
- ▶ makes the new language applicable to a waiver and release or restrictive endorsement signed on or after January 1, 2007.

S.B. 191 Service Contracts Act Amendments (Sen. Waddoups)

This bill amends the Service Contracts Act. This bill:

- ▶ amends the definition of "consumer" under the act;
- ▶ clarifies the time period during which notice may be provided by a seller; and
- ▶ makes technical changes.