

Chapter 1a

Division of Corporations and Commercial Code

13-1a-1 Creation of division -- Responsibilities.

There is established within the Department of Commerce the Division of Corporations and Commercial Code which is responsible for corporation and commercial code filings in this state.

Amended by Chapter 225, 1989 General Session

13-1a-2 Director to supervise division -- Appointment.

The division shall be under the supervision, direction, and control of a director. The director shall be appointed by the executive director of the Department of Commerce with the approval of the governor. The director shall hold office at the pleasure of the governor.

Amended by Chapter 225, 1989 General Session

13-1a-3 Employment and compensation of personnel -- Compensation of director.

The director, with the approval of the executive director, may employ personnel necessary to carry out the duties and responsibilities of the division at salaries established by the executive director according to standards established by the Department of Human Resource Management. The executive director shall establish the salary of the director according to standards established by the Department of Human Resource Management.

Amended by Chapter 139, 2006 General Session

13-1a-4 Annual budget.

On or before the 1st day of October each year, the director shall prepare and submit to the executive director an annual budget of the administrative expenses of the division.

Amended by Chapter 135, 1997 General Session

13-1a-5 Authority of director.

The director has authority:

- (1) to make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the responsibilities of the division;
- (2) to investigate, upon complaint, the corporation and commercial code filings and compliance governed by the laws administered and enforced by the division; and
- (3) under the provisions of Title 63G, Chapter 4, Administrative Procedures Act, to take administrative action against persons in violation of the division rules and the laws administered by it, including the issuance of cease and desist orders.

Amended by Chapter 189, 2014 General Session

13-1a-6 Powers of Division of Corporations and Commercial Code -- Document retention.

- (1) The Division of Corporations and Commercial Code shall have the power and authority reasonably necessary to enable it to efficiently administer the laws and rules for which it is responsible and to perform the duties imposed upon it by law.

- (2) The division has authority under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make rules and procedures for the processing, retention, and disposal of filed documents to efficiently utilize electronic and computerized document image storage and retrieval.
- (3) Notwithstanding the provisions of Section 63A-12-105, original documents filed in the division offices may not be considered property of the state if electronic image reproductions thereof which comply with the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, are retained by the division.

Amended by Chapter 378, 2010 General Session

13-1a-7 Hearing powers.

- (1) The director, in accordance with Title 63G, Chapter 4, Administrative Procedures Act, may hold or cause to be held administrative hearings regarding any matter affecting the division or the incorporation or registration activities of any business governed by the laws administered by the division.
- (2) The director or the director's designee, for the purposes outlined in this chapter or any chapter administered by the division, may administer oaths, issue subpoenas, compel the attendance of witnesses, and compel the production of papers, books, accounts, documents, and evidence.

Amended by Chapter 382, 2008 General Session

13-1a-8 Violation of restraining or injunctive order -- Civil penalty.

If any restraining order or injunction issued under this chapter is violated, the division may submit a motion for, or the court on its own motion may impose, a civil penalty of not more than \$100 for each day a restraining order, preliminary injunction, or permanent injunction issued under this chapter is violated, if the party has received notice of the restraining order or injunction.

Enacted by Chapter 9, 1990 General Session

13-1a-9 Fees of Division of Corporations and Commercial Code.

In addition to the fees prescribed by Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, and Title 16, Chapter 10a, Utah Revised Business Corporation Act, the Division of Corporations and Commercial Code shall receive and determine fees pursuant to Section 63J-1-504 for filing articles of incorporation or amendments of insurance corporations, of canal or irrigation corporations organized for furnishing water to lands owned by the members thereof exclusively, or of water users' associations organized in conformity with the requirements of the United States under the Reclamation Act of June 17, 1902, and which are authorized to furnish water only to their stockholders. No license fee may be imposed on insurance corporations, canal or irrigation corporations organized for furnishing water to lands owned by the members thereof exclusively, or water users' associations organized in conformity with the requirements of the United States under the Reclamation Act of June 17, 1902, and which are authorized to furnish water only to the stockholders at the time any such corporation files its articles of incorporation, articles of amendment increasing the number of authorized shares, or articles of merger or consolidation, any provision of Title 16, Chapter 10a, Utah Revised Business Corporation Act, to the contrary notwithstanding.

Amended by Chapter 183, 2009 General Session

