

32B-8-501 Enforcement of qualifications for resort license or sublicense.

- (1) The commission or department may not take an action described in Subsection (2) with regard to a resort license unless the person who is found not to meet the qualifications of Section 32B-8-203 is one of the following who is engaged in the management of the resort:
 - (a) a partner;
 - (b) a managing agent;
 - (c) a manager;
 - (d) an officer;
 - (e) a director;
 - (f) a stockholder who holds at least 20% of the total issued and outstanding stock of the corporation;
 - (g) a member who owns at least 20% of the limited liability company; or
 - (h) a person employed to act in a supervisory or managerial capacity for the resort licensee.
- (2) Subsection (1) applies to:
 - (a) the commission immediately suspending or revoking a resort license, if after the day on which the resort license is issued, a person described in Subsection 32B-8-203(1):
 - (i) is found to have been convicted of an offense described in Subsection 32B-1-304(1)(a) before the resort license is issued; or
 - (ii) on or after the day on which the resort license is issued:
 - (A) is convicted of an offense described in Subsection 32B-1-304(1)(a)(i), (ii), or (iii); or
 - (B)
 - (I) is convicted of driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug; and
 - (II) was convicted of driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug within five years before the day on which the person is convicted of the offense described in Subsection (2)(b)(ii)(A);
 - (b) the director taking an emergency action by immediately suspending the operation of a resort license in accordance with Title 63G, Chapter 4, Administrative Procedures Act, for the period during which the criminal matter is being adjudicated if a person described in Subsection 32B-8-203(1):
 - (i) is arrested on a charge for an offense described in Subsection 32B-1-304(1)(a)(i), (ii), or (iii); or
 - (ii)
 - (A) is arrested on a charge for the offense of driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug; and
 - (B) was convicted of driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug within five years before the day on which the person is arrested on a charge described in Subsection (2)(b)(ii)(A); and
 - (c) the commission suspending or revoking a resort license because a person to whom a resort license is issued under this chapter no longer possesses the qualifications required by this title for obtaining the resort license.
- (3) This section does not prevent the commission from suspending or revoking a sublicense that is part of a resort license if a person employed to act in a supervisory or managerial capacity for a sublicense no longer meets the qualification requirements in the provisions applicable to the sublicense.

Enacted by Chapter 276, 2010 General Session