

Effective 5/12/2015

35A-3-604 Obligor presumed to have notice of department's rights -- Authority to administer oaths, issue subpoenas, and compel witnesses and production of documents -- Recovery of attorney fees, costs, and interest -- Rulemaking authority -- Administrative procedures.

- (1) An obligor is presumed to have received notice of the rights of the department under this part upon engaging in this state in any of the acts described in Subsections 35A-3-603(3) and (4) or Section 76-8-1203, 76-8-1204, or 76-8-1205.
- (2) For the purposes of this part, the department may administer oaths and certify official acts, issue subpoenas, and compel witnesses and the production of business records, documents, and evidence.
- (3)
 - (a) Except when an overpayment results from administrative error, the department may recover from the obligor:
 - (i) reasonable attorneys' fees;
 - (ii) costs incurred in pursuing administrative remedies under this part; and
 - (iii) interest at the rate of 1% a month accruing from the date an administrative or judicial order is issued determining the amount due under this part.
 - (b) The department may recover interest, attorney fees, and costs, if notice of the assessment has been included in a notice of agency action issued in compliance with Title 63G, Chapter 4, Administrative Procedures Act.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make, amend, and enforce rules to carry out the provisions of this part.
- (5) Service of all notices and orders under this part shall comply with:
 - (a) Title 63G, Chapter 4, Administrative Procedures Act;
 - (b) Utah Rules of Civil Procedure; or
 - (c) rules made by the department under this part in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that meet standards required by due process.

Amended by Chapter 221, 2015 General Session