

19-3-312 Enforcement -- Penalties.

- (1) When the department or the governor has probable cause to believe a person is violating or is about to violate any provision of this part, the department or the governor shall direct the state attorney general to apply to the appropriate court for an order enjoining the person from engaging in or continuing to engage in the activity.
- (2) In addition to being subject to injunctive relief, any person who violates any provision of this part is subject to a civil penalty of up to \$10,000 per day for each violation.
- (3) Any person who knowingly violates a provision of this part is guilty of a class A misdemeanor and subject to a fine of up to \$10,000 per day.
- (4) Any person or organization acting to facilitate a violation of any provision of this part regarding the regulation of greater than class C radioactive waste or high-level nuclear waste is subject to a civil penalty of up to \$10,000 per day for each violation, in addition to being subject to injunctive relief.
- (5) Any person or organization who knowingly acts to facilitate a violation of this part regarding the regulation of high-level nuclear waste or greater than class C radioactive waste is guilty of a class A misdemeanor and is subject to a fine of up to \$10,000 per day.
- (6)
 - (a) This section does not impose a civil or criminal penalty on any Utah-based nonprofit trade association due to the membership in the organization of a member that is engaging in, or attempting to engage in, the placement of high-level nuclear waste or greater than class C radioactive waste at a storage facility or transfer facility within the state.
 - (b) Subsection (6)(a) does not apply to a nonprofit trade association if that association takes any affirmative action to promote or assist any individual or organization in efforts to conduct any activity prohibited by this part.
 - (c) A member of any Utah-based nonprofit trade association is not exempt from any civil or criminal liability or penalty due to membership in the association.

Amended by Chapter 107, 2001 General Session