

Effective 6/1/2022

32B-3-205 Penalties.

- (1) If the commission is satisfied that a person subject to administrative action violates this title or the commission's rules, in accordance with Title 63G, Chapter 4, Administrative Procedures Act, the commission may:
 - (a) suspend or revoke the person's license, permit, or certificate of approval;
 - (b) subject to Subsection (2), impose a fine against the person, including individual staff of a licensee, permittee, or certificate holder;
 - (c) assess the administrative costs of a disciplinary proceeding to the person if the person is a licensee, permittee, or certificate holder; or
 - (d) take a combination of actions described in this Subsection (1).
- (2)
 - (a) A fine imposed may not exceed \$25,000 in the aggregate for:
 - (i) a single notice of agency action; or
 - (ii) a single action against a package agency.
 - (b) The commission shall by rule establish a schedule setting forth a range of fines for each violation.
 - (c) When a presiding officer imposes a fine, the presiding officer shall consider any aggravating circumstances or mitigating circumstances in deciding where within the applicable range to set the fine.
- (3) The department shall transfer the costs assessed under this section into the General Fund in accordance with Section 32B-2-301.
- (4)
 - (a) If a license or permit is suspended under this section, the licensee or permittee shall prominently display a sign provided by the department:
 - (i) during the suspension; and
 - (ii) at the entrance of the premises of the licensee or permittee.
 - (b) The sign required by this Subsection (4) shall:
 - (i) read "The Utah Alcoholic Beverage Services Commission has suspended the alcoholic product license or permit of this establishment. An alcoholic product may not be sold, offered for sale, furnished, or consumed on these premises during the period of suspension."; and
 - (ii) include the dates of the suspension period.
 - (c) A licensee or permittee may not remove, alter, obscure, or destroy a sign required to be displayed under this Subsection (4) during the suspension period.
- (5)
 - (a) If a license or permit is revoked, the commission may order the revocation of a bond posted by the licensee or permittee under this title.
 - (b) Notwithstanding Subsection (5)(a), the department may make a claim against a bond posted by a licensee or permittee for money owed the department under this title without the commission first revoking the license or permit.
- (6) A licensee or permittee whose license or permit is revoked may not reapply for a license or permit under this title for three years from the date on which the license or permit is revoked.
- (7) If a staff member of a licensee, permittee, or certificate holder is found to have violated this title, in addition to imposing another penalty authorized by this title, the commission may prohibit the staff member from handling, selling, furnishing, distributing, manufacturing, wholesaling, or warehousing an alcoholic product in the course of acting as staff with a licensee, permittee, or certificate holder under this title for a period determined by the commission.

- (8)
 - (a) If the commission makes the finding described in Subsection (8)(b), in addition to other penalties prescribed by this title, the commission may order:
 - (i) the removal of an alcoholic product of the manufacturer's, supplier's, or importer's from the department's sales list; and
 - (ii) a suspension of the department's purchase of an alcoholic product described in Subsection (8)(a)(i) for a period determined by the commission.
 - (b) The commission may take the action described in Subsection (8)(a) if:
 - (i) a manufacturer, supplier, or importer of liquor or its staff or representative violates this title; and
 - (ii) the manufacturer, supplier, or importer:
 - (A) directly commits the violation; or
 - (B) solicits, requests, commands, encourages, or intentionally aids another to engage in the violation.
- (9) If the commission makes a finding that the brewer holding a certificate of approval violates this title or rules of the commission, the commission may take an action against the brewer holding a certificate of approval that the commission could take against a licensee including:
 - (a) suspension or revocation of the certificate of approval; and
 - (b) imposition of a fine.
- (10) Notwithstanding the other provisions of this title, the commission may not order a disciplinary action or fine in accordance with this section if the disciplinary action or fine is ordered on the basis of a violation:
 - (a) of a provision in this title related to intoxication or becoming intoxicated; and
 - (b) if the violation is first investigated by a law enforcement officer, as defined in Section 53-13-103, who has not received training regarding the requirements of this title related to responsible alcoholic product sale or service.
- (11) The commission shall expunge each record that relates to an individual's violation of a provision of this title, if the individual does not violate a provision of this title for a period of 36 consecutive months from the day on which the individual's last violation was adjudicated.

Amended by Chapter 447, 2022 General Session