

## Part 4 Penalties

### **34-23-401 Investigation by division -- Administrative penalty.**

- (1) The director of the division or the director's designee shall have authority to enter and inspect any place or establishment covered by this chapter and to have access to such records as may aid in the enforcement of this chapter.
- (2) The division may investigate any complaint under this chapter and may commence an administrative proceeding with a penalty of up to \$500 per violation. Administrative proceedings conducted under this section shall be consistent with Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 382, 2008 General Session

### **34-23-402 Violation -- Criminal penalty.**

- (1)
  - (a) The commission may prosecute a misdemeanor criminal action in the name of the state.
  - (b) The county attorney, district attorney, or attorney general shall provide assistance in prosecutions under this section at the request of the commission.
- (2) A person, whether individually or as an officer, agent, or employee of any person, firm, or corporation, violates this section by:
  - (a) knowingly employing a minor or permitting a minor to work in a repeated violation of this chapter;
  - (b) refusing or knowingly neglecting to furnish to the commission, any information requested by the commission under this chapter;
  - (c) refusing access to that person's place of business or employment to the commission or the commission's authorized representative when access has been requested in conjunction with an investigation related to this section;
  - (d) hindering the commission or the commission's authorized representative in the securing of any information authorized by this section;
  - (e) refusing or knowingly omitting or neglecting to keep any of the records required by this chapter;
  - (f) knowingly making a false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter;
  - (g) discharging an employee or threatening to or retaliating against an employee because:
    - (i) the employee has testified;
    - (ii) is about to testify; or
    - (iii) the employer believes that the employee may testify in an investigation or proceeding relative to the enforcement of this chapter; or
  - (h) willfully violating an order issued under this chapter.
- (3)
  - (a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is a class B misdemeanor.
  - (b) A violation of Subsection (2) is a class A misdemeanor if the person has previously been convicted of a violation of Subsection (2).
  - (c) A violation of Subsection (2) is a third degree felony if the person has previously been convicted of a violation of Subsection (2) two or more times.

- (4)
  - (a) If the commission has reasonable suspicion that a person under investigation for a violation of this section may have committed other criminal acts, the commission shall report the commission's observations to the State Bureau of Investigation.
  - (b) The State Bureau of Investigation may:
    - (i) investigate a reported violation described in Subsection (4)(a); or
    - (ii) forward a reported violation described in Subsection (4)(a) to a law enforcement or a state agency with jurisdiction over the reported violation.
  - (c) The commission shall share any information relating to an offense described in this section with law enforcement.
- (5) This section does not apply to a violation of Section 34-23-301.

Amended by Chapter 171, 2025 General Session