

Part 2

Enforcement - Penalties

34-40-201 Recordkeeping.

Employers shall keep payroll records of employees covered by this chapter showing names, addresses, and dates of birth. Such records shall also show hours worked and wages paid to all covered employees. Records shall be maintained for three years.

Enacted by Chapter 8, 1990 General Session

34-40-202 Enforcement.

The division shall enforce this chapter and investigate complaints under this chapter. The division may commence administrative proceedings in accordance with Title 63G, Chapter 4, Administrative Procedures Act, and may impose a penalty of up to \$500 per violation of this chapter.

Amended by Chapter 382, 2008 General Session

34-40-203 Investigation authority.

- (1) The division shall have access to all payroll records of any place of business or establishment, required by this chapter to pay its employees a minimum wage, to investigate for compliance with this chapter.
- (2) The division shall have access to business records kept at the place of business or establishment which may aid in the enforcement of this chapter.

Amended by Chapter 240, 1996 General Session

34-40-204 Criminal penalty -- Enforcement.

- (1)
 - (a) Repeated violation of this chapter is a class B misdemeanor.
 - (b) "Repeated violations" does not include separate violations as to individual employees arising out of the same investigation or enforcement action.
- (2) Upon the third violation by the same employer within a three-year period, the commission may prosecute a criminal action in the name of the state.
- (3) The county attorney, district attorney, or attorney general shall provide assistance in prosecutions under this section at the request of the commission.

Amended by Chapter 375, 1997 General Session

34-40-205 Civil action allowed.

- (1) In addition to the administrative and criminal actions authorized by this chapter, an employee may bring a civil action to enforce his rights under this chapter.
- (2)
 - (a) An aggrieved employee is entitled to injunctive relief and may recover the difference between the wage paid and the minimum wage, plus interest.
 - (b) The court may award court costs and attorney fees to the prevailing party.
- (3) An action brought under this section shall be brought within two years of the alleged violation.

Enacted by Chapter 8, 1990 General Session