

34A-2-209 Employer's penalty for violation -- Notice of noncompliance -- Proof required -- Admissible evidence -- Criminal prosecution.

- (1)
 - (a)
 - (i) An employer who fails to comply, and every officer of a corporation or association that fails to comply, with Section 34A-2-201 is guilty of a class B misdemeanor.
 - (ii) Each day's failure to comply with Subsection (1)(a)(i) is a separate offense.
 - (b) If the division sends written notice of noncompliance by certified mail to the last-known address of an employer, a corporation, or an officer of a corporation or association, and the employer, corporation, or officer does not within 10 days of the day on which the notice is delivered provide to the division proof of compliance, the notice and failure to provide proof constitutes prima facie evidence that the employer, corporation, or officer is in violation of this section.
- (2)
 - (a) If the division has reason to believe that an employer is conducting business without securing the payment of compensation in a manner provided in Section 34A-2-201, the division may give notice of noncompliance by certified mail to the following at the last-known address of the following:
 - (i) the employer; or
 - (ii) if the employer is a corporation or association:
 - (A) the corporation or association; or
 - (B) the officers of the corporation or association.
 - (b) If an employer, corporation, or officer described in Subsection (2)(a) does not, within 10 days of the day on which the notice is delivered, provide to the division proof of compliance, the employer and every officer of an employer corporation or association is guilty of a class B misdemeanor.
 - (c) Each day's failure to comply with Subsection (2)(a) is a separate offense.
- (3) A fine, penalty, or money collected or assessed under this section shall be:
 - (a) deposited in the Uninsured Employers' Fund created by Section 34A-2-704;
 - (b) used for the purposes of the Uninsured Employers' Fund specified in Section 34A-2-704; and
 - (c) collected by the Uninsured Employers' Fund administrator in accordance with Section 34A-2-704.
- (4) A form or record kept by the division or its designee pursuant to Section 34A-2-205 is admissible as evidence to establish noncompliance under this section.
- (5) The commission or division on behalf of the commission may prosecute or request the attorney general or district attorney to prosecute a criminal action in the name of the state to enforce this chapter or Chapter 3, Utah Occupational Disease Act.

Amended by Chapter 288, 2009 General Session