

38-11-110 Issuance of certificates of compliance.

- (1)
- (a) The director may issue a certificate of compliance only after determining through an informal proceeding, as set forth in Title 63G, Chapter 4, Administrative Procedures Act:
 - (i) that the owner is in compliance with Subsections 38-11-204(4)(a) and (b); or
 - (ii) subject to Subsection (2), that the owner is entitled to protection under Subsection 38-11-107(1)(b).
 - (b) If the director determines through an informal proceeding under Subsection (1)(a) that an owner seeking the issuance of a certificate of compliance under Subsection (1)(a)(i) is not in compliance as provided in Subsection (1)(a)(i), the director may not issue a certificate of compliance.
- (2)
- (a) An owner seeking the issuance of a certificate of compliance under Subsection (1)(a)(ii) shall submit an affidavit, as defined by the division by rule, affirming that the owner is entitled to protection under Subsection 38-11-107(1)(b).
 - (b) If an owner's affidavit under Subsection (2)(a) is disputed, the owner may file a complaint in small claims court or district court to resolve the dispute.
 - (c) The director may issue a certificate of compliance to an owner seeking issuance of a certificate under Subsection (1)(a)(ii) if:
 - (i) the owner's affidavit under Subsection (2)(a) is undisputed; or
 - (ii) a small claims court or district court resolves any dispute over the owner's affidavit in favor of the owner.

Amended by Chapter 31, 2010 General Session