

38-1a-202 Contract to establish and maintain registry -- Designated agent -- Rules -- Duties of designated agent -- Limit of liability.

- (1)
 - (a) The division shall contract, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, with a third party to establish and maintain the registry for the purposes established under this part.
 - (b) The designated agent is not an agency, instrumentality, or political subdivision of the state.
- (2)
 - (a) The third party under contract under this section is the division's designated agent, and shall develop and maintain a registry from the information provided by:
 - (i) local government entities issuing building permits;
 - (ii) original contractors;
 - (iii) subcontractors;
 - (iv) construction lenders; and
 - (v) other interested persons.
 - (b) The registry shall accommodate filings by third parties on behalf of clients.
- (3)
 - (a) The division shall make rules and develop procedures for:
 - (i) the division to oversee and enforce this chapter and Chapter 1b, Government Construction Projects;
 - (ii) the designated agent to administer this chapter and Chapter 1b, Government Construction Projects; and
 - (iii) the form of submission of a filing by alternate means, which may include procedures for rejecting an illegible or incomplete filing.
 - (b) If this chapter directs or authorizes the division to make a rule or adopt a procedure to implement the provisions of this chapter or Chapter 1b, Government Construction Projects, the division shall make the rule or adopt the procedure in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4)
 - (a) The designated agent shall archive computer data files at least semiannually for auditing purposes.
 - (b) The division shall make rules to allow the designated agent to periodically archive projects from the registry.
 - (c) The designated agent may not archive a project earlier than:
 - (i) one year after the day on which a notice of completion is filed for a construction project;
 - (ii) if no notice of completion is filed, two years after the last filing activity for a project; or
 - (iii) one year after the day on which a contestable notice is cancelled under Section 38-1a-307.
 - (d) The division may audit the designated agent's administration of the registry as often as the division considers necessary.
- (5) The designated agent shall carry errors and omissions insurance in the amounts that the division establishes by rule.
- (6)
 - (a) The designated agent shall make reasonable efforts to assure the accurate entry into the registry of information provided by alternate means.
 - (b) The designated agent shall meet or exceed standards established by the division for the accuracy of data entry for information on documents filed by alternate means.
- (7) The designated agent is not liable for the correctness of the information contained in a document filed by alternate means which the registered agent enters into the database.

Renumbered and Amended by Chapter 278, 2012 General Session
Amended by Chapter 347, 2012 General Session