

**4-10-11 Stop sale, use, or removal order authorized -- Conditions for release specified --
Condemnation or seizure -- Procedure specified -- Award of costs authorized.**

- (1) The department may issue a "stop sale, use, or removal order" to any manufacturer, repairer, wholesaler, or retailer of any designated article or articles which it finds or has reason to believe violates this chapter. The order shall be in writing and no article subject to it shall be removed, offered, or exposed for sale, except upon subsequent written release by the department. Before a release is issued, the department may require the manufacturer, repairer, wholesaler, or retailer of the "stopped" article to pay the expense incurred by the department in connection with the withdrawal of the article from the market.
- (2) The department is authorized in a court of competent jurisdiction to seek an order of seizure or condemnation of any article which violates this chapter or, upon proper grounds, to obtain a temporary restraining order or permanent injunction to prevent violation of this chapter. No bond shall be required of the department in an injunctive proceeding brought under this section.
- (3) If condemnation is ordered, the article shall be disposed of as the court directs; provided, that in no event shall it order condemnation without giving the claimant of the article an opportunity to apply to the court for permission to bring the article into conformance, or for permission to remove it from the state.
- (4) If the court orders condemnation, court costs, fees, storage, and other costs shall be awarded against the claimant of the article.

Enacted by Chapter 2, 1979 General Session