

40-6-11 Power to summon witnesses, administer oaths and require production of records -- Enforcement -- Penalties for violation of chapter or rules -- Illegal oil or gas -- Civil liability.

- (1) The board may summon witnesses, administer oaths, and require the production of records, books, and documents for examination at any hearing or investigation conducted by it.
- (2)
 - (a) If any person fails or refuses to comply with a subpoena issued by the board, or fails or refuses to testify about any matter, the board may apply to any district court in the state for an order compelling that person to comply with the subpoena, and to attend before the board and produce the subpoenaed records, books, and documents for examination, and to give his testimony.
 - (b) The court may punish the person for contempt as if he disobeyed a subpoena issued by the court, or if he refused to testify in a court.
- (3)
 - (a) Whenever it appears that any person is violating any provision of this chapter or any rule or order made under the authority of this chapter, the board may issue an order requiring compliance within a period not to exceed 30 days.
 - (b) The board may bring suit in the name of the state against any person violating this chapter, or rules or orders made under the authority of this chapter if:
 - (i) the violation continues after expiration of the time period granted in Subsection (3)(a);
 - (ii) the violation presents an immediate threat to public health, safety, or welfare; or
 - (iii) the violation would cause waste.
- (4)
 - (a) If the board determines, after an adjudicative proceeding, that any person has violated any provision of this chapter, or any permit, rule, or order made under the provisions of this chapter, that person is subject, in a civil proceeding, to a penalty not exceeding \$5,000 per day for each day of violation.
 - (b) If the board determines that the violation is willful, that person may be fined not more than \$10,000 for each day of violation.
- (5) If ordered to do so by the board, the director of the division may order the immediate closure or shutdown of any well that is operating in violation of the provisions of this chapter, if the closure or shutdown will not cause waste or is necessary because of an immediate threat to public health, safety, or welfare.
- (6)
 - (a) No person may sell, purchase, acquire, transport, refine, process, or handle illegal oil, gas, or product, if the person knows or has reason to know that the oil, gas, or product is illegal.
 - (b) The court in the district where the illegal oil, gas, or product is found, shall, after notice and hearing in an action brought by the board, order the product to be seized and sold, and the proceeds returned or held for the legal owner.
- (7)
 - (a) Nothing in this chapter, and no suit by or against the board, and no violation charged or asserted against any person under any provisions of this chapter, or any rule or order issued under the authority of this chapter, shall impair, abridge, or delay any cause of action for damages that any person may have or assert against any person violating any provision of this chapter, or any rule or order issued under the authority of this chapter.
 - (b) Any person damaged by any violation may sue for and recover whatever damages that he otherwise may be entitled to receive.

Amended by Chapter 161, 1987 General Session

