

41-3-209 Administrator's findings -- Suspension and revocation of license.

- (1) If the administrator finds that an applicant is not qualified to receive a license, a license may not be granted.
- (2)
 - (a) On December 1, 2010, the administrator shall suspend the license of a salesperson who fails to submit to the division fingerprints as required under Subsection 41-3-205.5(1)(b) on or before November 30, 2010.
 - (b) If the administrator finds that there is reasonable cause to deny, suspend, or revoke a license issued under this chapter, the administrator shall deny, suspend, or revoke the license.
 - (c) Reasonable cause for denial, suspension, or revocation of a license includes, in relation to the applicant or license holder or any of its partners, officers, or directors:
 - (i) lack of a principal place of business;
 - (ii) lack of a sales tax license required under Title 59, Chapter 12, Sales and Use Tax Act;
 - (iii) lack of a bond in effect as required by this chapter;
 - (iv) current revocation or suspension of a dealer, dismantler, auction, or salesperson license issued in another state;
 - (v) nonpayment of required fees;
 - (vi) making a false statement on any application for a license under this chapter or for special license plates;
 - (vii) a violation of any state or federal law involving motor vehicles;
 - (viii) a violation of any state or federal law involving controlled substances;
 - (ix) charges filed with any county attorney, district attorney, or U.S. attorney in any court of competent jurisdiction for a violation of any state or federal law involving motor vehicles;
 - (x) a violation of any state or federal law involving fraud;
 - (xi) a violation of any state or federal law involving a registerable sex offense under Section 77-41-106; or
 - (xii) having had a license issued under this chapter revoked within five years from the date of application.
 - (d) Any action taken by the administrator under Subsection (2)(c)(ix) shall remain in effect until a final resolution is reached by the court involved or the charges are dropped.
- (3) If the administrator finds that an applicant is not qualified to receive a license under this section, the administrator shall provide the applicant written notice of the reason for the denial.
- (4) If the administrator finds that the license holder has been convicted by a court of competent jurisdiction of violating any of the provisions of this chapter or any rules made by the administrator, or finds other reasonable cause, the administrator may, by complying with the emergency procedures of Title 63G, Chapter 4, Administrative Procedures Act:
 - (a) suspend the license on terms and for a period of time the administrator finds reasonable; or
 - (b) revoke the license.
- (5)
 - (a) After suspending or revoking a license, the administrator may take reasonable action to:
 - (i) notify the public that the licensee is no longer in business; and
 - (ii) prevent the former licensee from violating the law by conducting business without a license.
 - (b) Action under Subsection (5)(a) may include signs, banners, barriers, locks, bulletins, and notices.
 - (c) Any business being conducted incidental to the business for which the former licensee was licensed may continue to operate subject to the preventive action taken under this subsection.

Amended by Chapter 145, 2012 General Session

