

48-1d-116 Duty of division to file -- Review of refusal to file -- Transmission of information by division.

- (1) The division shall file a record delivered to the division for filing which satisfies this chapter. The duty of the division under this section is ministerial.
- (2) When the division files a record, the division shall record it as filed on the date and at the time of its delivery. After filing a record, the division shall deliver to the person that submitted the record a copy of the record with an acknowledgment of the date and time of filing and, in the case of a statement of denial, also to the partnership to which the statement pertains.
- (3) If the division refuses to file a record, the division, not later than 15 business days after the record is delivered, shall:
 - (a) return the record or notify the person that submitted the record of the refusal; and
 - (b) provide a brief explanation in a record of the reason for the refusal.
- (4) If the division refuses to file a record, the person that submitted the record may petition the district court to compel filing of the record. The record and the explanation of the division of the refusal to file must be attached to the petition. The court may decide the matter in a summary proceeding.
- (5) The filing of or refusal to file a record does not create a presumption that the information contained in the record is correct or incorrect.
- (6) Except as otherwise provided by Section 16-17-301 or by law other than this chapter, the division may deliver any record to a person by delivering it:
 - (a) in person to the person that submitted it;
 - (b) to the address of the person's registered agent;
 - (c) to the principal office of the person; or
 - (d) to another address the person provides to the division for delivery.

Enacted by Chapter 412, 2013 General Session