

Effective 5/7/2025

Superseded 5/6/2026

57-8a-105 Registration with Department of Commerce -- Department publication of educational materials.

- (1) As used in this section, "department" means the Department of Commerce created in Section 13-1-2.
- (2)
 - (a) No later than 90 days after the recording of a declaration of covenants, conditions, and restrictions establishing an association, the association shall register with the department in the manner established by the department.
 - (b) An association existing under a declaration of covenants, conditions, and restrictions recorded before May 10, 2011, shall, no later than July 1, 2011, register with the department in the manner established by the department.
- (3) The department shall require an association registering as required in this section to provide with each registration:
 - (a) the name and address of the association;
 - (b) the name, address, telephone number, and, if applicable, email address of the chair of the association board;
 - (c) contact information for the manager;
 - (d) the name, address, telephone number, and, if the contact person wishes to use email or facsimile transmission for communicating payoff information, the email address or facsimile number, as applicable, of a primary contact person who has association payoff information that a closing agent needs in connection with the closing of a lot owner's financing, refinancing, or sale of the owner's lot; and
 - (e) a registration fee set by the department in accordance with Section 63J-1-504.
- (4)
 - (a) An association shall annually renew the association's registration described in Subsection (2).
 - (b) The department may impose and set the amount of a renewal registration fee in accordance with Section 63J-1-504.
- (5) An association that has registered under Subsection (2) shall submit to the department an update to the association's registration information, in the manner established by the department, within 90 days after a change in any of the information provided under Subsection (3).
- (6)
 - (a) During any period of noncompliance with the registration requirement described in Subsection (2) or the requirement for an updated registration described in Subsection (5):
 - (i) a lien may not arise under Section 57-8a-301; and
 - (ii) an association may not enforce an existing lien that arose under Section 57-8a-301.
 - (b) A period of noncompliance with the registration requirement of Subsection (2) or with the updated registration requirement of Subsection (5) does not begin until after the expiration of the 90-day period specified in Subsection (2) or (5), respectively.
 - (c) An association that is not in compliance with the registration requirement described in Subsection (2) may end the period of noncompliance by registering with the department in the manner established by the department under Subsection (2).
 - (d) An association that is not in compliance with the updated registration requirement described in Subsection (5) may end the period of noncompliance by submitting to the department an updated registration in the manner established by the department under Subsection (5).

- (e) Except as described in Subsection (6)(f), beginning on the date an association ends a period of noncompliance:
 - (i) a lien may arise under Section 57-8a-301 for any event that:
 - (A) occurred during the period of noncompliance; and
 - (B) would have given rise to a lien under Section 57-8a-301 had the association been in compliance with the registration requirements described in this section; and
 - (ii) an association may enforce a lien described in this Subsection (6)(e) or a lien that existed before the period of noncompliance.
- (f) If an owner's residential lot is conveyed to an independent third party during a period of noncompliance described in this Subsection (6):
 - (i) a lien that arose under Section 57-8a-301 before the conveyance of the residential lot became final is extinguished when the conveyance of the residential lot becomes final; and
 - (ii) an event that occurred before the conveyance of the residential lot became final, and that would have given rise to a lien under Section 57-8a-301 had the association been in compliance with the registration requirements of this section, may not give rise to a lien under Section 57-8a-301 if the conveyance of the residential lot becomes final before the association ends the period of noncompliance.
- (7) The department shall publish educational materials on the department's website providing, in simple and easy to understand language, a brief overview of state law governing associations, including:
 - (a) a description of the rights and responsibilities provided in this chapter to any party under the jurisdiction of an association; and
 - (b) instructions regarding how an association may be organized and dismantled in accordance with this chapter.
- (8)
 - (a) Unless otherwise expressly exempted, this chapter applies to an association that registers, or renews or updates the association's registration, with the department under this section.
 - (b) This section applies to an association regardless of when the association is created.