

## Part 4 License Denial and Discipline

### **58-55-401 Grounds for denial of license and disciplinary proceedings.**

- (1) In accordance with Section 58-1-401, the division may:
  - (a) refuse to issue a license to an applicant;
  - (b) refuse to renew the license of a licensee;
  - (c) revoke the right of a licensee to recover from the Residence Lien Recovery Fund created by Section 38-11-201;
  - (d) revoke, suspend, restrict, or place on probation the license of a licensee;
  - (e) issue a public or private reprimand to a licensee; and
  - (f) issue a cease and desist order.
- (2) In addition to an action taken under Subsection (1), the division may take an action described in Subsection 58-1-401(2) in relation to a license as a contractor, if:
  - (a) the applicant or licensee is an unincorporated entity; and
  - (b) an individual who holds an ownership interest in the applicant or licensee engages in:
    - (i) unlawful conduct as described in Section 58-55-501; or
    - (ii) unprofessional conduct as described in Section 58-55-502.

Amended by Chapter 413, 2011 General Session

### **58-55-402 Investigation of regulated activity.**

- (1) The division shall be responsible for the investigation of persons and activities in violation of the provisions of this chapter.
- (2)
  - (a) Investigation by the division shall include investigations of:
    - (i) licensees engaged in unlawful or unprofessional conduct; and
    - (ii) unlicensed persons engaged in the conduct of activity or work regulated under this chapter and for which a license is required.
  - (b)
    - (i) As used in this Subsection (2)(b), "sign contractor":
      - (A) means a sign installation contractor or nonelectrical outdoor advertising sign contractor, as classified and defined in division rules; and
      - (B) does not include a sign installation contractor or nonelectrical outdoor advertising sign contractor, as classified and defined in division rules, that is subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act.
    - (ii) The division shall maintain a record of the number of unlicensed persons found to have engaged each year in the conduct of activity or work regulated under this chapter for which a license as a sign contractor is required, including the location where a violation occurred.
- (3) The division shall decline to proceed with investigation of the violation of any provisions of this chapter if the division finds there is no apparent material jeopardy to the public health, safety, and welfare.
- (4) The division shall have no responsibility for the inspection of construction work performed in the state to determine compliance with applicable codes, or industry and workmanship standards, except as provided in Subsections 58-1-501(2)(g), 58-55-502(2), (3), and (4), and 58-55-501(16).

- (5) Authorized representatives of the division shall be permitted to enter upon the premises or site of work regulated under this chapter for the purpose of determining compliance with the provisions of this chapter.

Amended by Chapter 195, 2011 General Session

**58-55-403 Minimum time for division action.**

The division has at least five working days after receiving an application for licensure to determine whether to issue a license under this chapter.

Amended by Chapter 233, 2000 General Session