

**63G-4-501 Civil enforcement.**

- (1)
  - (a) In addition to other remedies provided by law, an agency may seek enforcement of an order by seeking civil enforcement in the district courts.
  - (b) The action seeking civil enforcement of an agency's order must name, as defendants, each alleged violator against whom the agency seeks to obtain civil enforcement.
  - (c) Venue for an action seeking civil enforcement of an agency's order shall be determined by the requirements of the Utah Rules of Civil Procedure.
  - (d) The action may request, and the court may grant, any of the following:
    - (i) declaratory relief;
    - (ii) temporary or permanent injunctive relief;
    - (iii) any other civil remedy provided by law; or
    - (iv) any combination of the foregoing.
- (2)
  - (a) Any person whose interests are directly impaired or threatened by the failure of an agency to enforce an agency's order may timely file a complaint seeking civil enforcement of that order, but the action may not be commenced:
    - (i) until at least 30 days after the plaintiff has given notice of the plaintiff's intent to seek civil enforcement of the alleged violation to the agency head, the attorney general, and to each alleged violator against whom the petitioner seeks civil enforcement;
    - (ii) if the agency has filed and is diligently prosecuting a complaint seeking civil enforcement of the same order against the same or a similarly situated defendant; or
    - (iii) if a petition for judicial review of the same order has been filed and is pending in court.
  - (b) The complaint seeking civil enforcement of an agency's order must name, as defendants, the agency whose order is sought to be enforced, the agency that is vested with the power to enforce the order, and each alleged violator against whom the plaintiff seeks civil enforcement.
  - (c) Except to the extent expressly authorized by statute, a complaint seeking civil enforcement of an agency's order may not request, and the court may not grant, any monetary payment apart from taxable costs.
- (3) In a proceeding for civil enforcement of an agency's order, in addition to any other defenses allowed by law, a defendant may defend on the ground that:
  - (a) the order sought to be enforced was issued by an agency without jurisdiction to issue the order;
  - (b) the order does not apply to the defendant;
  - (c) the defendant has not violated the order; or
  - (d) the defendant violated the order but has subsequently complied.
- (4) Decisions on complaints seeking civil enforcement of an agency's order are reviewable in the same manner as other civil cases.

Renumbered and Amended by Chapter 382, 2008 General Session