

**Effective 5/12/2015**

**7-24-201 Registration -- Rulemaking.**

- (1)
  - (a) It is unlawful for a person to extend a title loan in Utah or with a Utah resident unless the person:
    - (i) registers with the department in accordance with this chapter; and
    - (ii) maintains a valid registration.
  - (b) It is unlawful for a person to operate a mobile facility in this state to extend a title loan.
- (2)
  - (a) A registration and a renewal of a registration expires on December 31 of each year unless on or before that date the person renews the registration.
  - (b) To register under this section, a person shall:
    - (i) pay an original registration fee established under Subsection 7-1-401(8); and
    - (ii) submit a registration statement containing the information described in Subsection (2)(d).
  - (c) To renew a registration under this section, a person shall:
    - (i) pay the annual fee established under Subsection 7-1-401(5); and
    - (ii) submit a renewal statement containing the information described in Subsection (2)(d).
  - (d) A registration or renewal statement shall state:
    - (i) the name of the person;
    - (ii) the name in which the business will be transacted if different from that required in Subsection (2)(d)(i);
    - (iii) the address of the person's principal business office, which may be outside this state;
    - (iv) the addresses of all offices in this state at which the person extends title loans;
    - (v) if the person extends title loans in this state but does not maintain an office in this state, a brief description of the manner in which the business is conducted;
    - (vi) the name and address in this state of a designated agent upon whom service of process may be made;
    - (vii) disclosure of any injunction, judgment, administrative order, or conviction of any crime involving moral turpitude with respect to that person or any officer, director, manager, operator, or principal of that person;
    - (viii) evidence satisfactory to the department that the person is registered with the nationwide database; and
    - (ix) any other information required by the rules of the department.
  - (e)
    - (i) The commissioner may impose an administrative fine determined under Subsection (2)(e)(ii) on a person if:
      - (A) the person is required to be registered under this chapter;
      - (B) the person fails to register or renew a registration in accordance with this chapter;
      - (C) the department notifies the person that the person is in violation of this chapter for failure to be registered; and
      - (D) the person fails to register within 30 days after the day on which the person receives the notice described in Subsection (2)(e)(i)(C).
    - (ii) Subject to Subsection (2)(e)(iii), the administrative fine imposed under this Subsection (2)(e) is:
      - (A) \$500 if the person:
        - (I) has no office in this state at which the person extends a title loan; or
        - (II) has one office in this state at which the person extends a title loan; or

- (B) if the person has two or more offices in this state at which the person extends a title loan, \$500 for each office at which the person extends a title loan.
- (iii) The commissioner may reduce or waive a fine imposed under this Subsection (2)(e) if the person shows good cause.
- (3) If the information in a registration or renewal statement required under Subsection (2) becomes inaccurate after filing, a person is not required to notify the department until:
  - (a) that person is required to renew the registration; or
  - (b) the department specifically requests earlier notification.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules consistent with this section:
  - (a) providing for the form, content, and filing of a registration and renewal statement; and
  - (b) providing for the transition of persons registering with the nationwide database.

Amended by Chapter 284, 2015 General Session