

**70D-2-502 Enforcement -- Rulemaking -- Federal law.**

- (1) The commissioner may:
  - (a) in accordance with Title 63G, Chapter 4, Administrative Procedures Act:
    - (i) receive and act on a complaint;
    - (ii) take action designed to obtain voluntary compliance with this chapter; or
    - (iii) commence a proceeding on the commissioner's own initiative to enforce compliance with this chapter;
  - (b) counsel a person or group on the person's or group's rights and duties under this chapter;
  - (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
    - (i) restrict or prohibit a lending or servicing practice that is misleading, unfair, or abusive;
    - (ii) promote or assure fair and full disclosure of the terms and conditions of an agreement or communication between:
      - (A) a lender or servicer; and
      - (B) a borrower; or
    - (iii) promote or assure uniform application of or to resolve ambiguities in applicable state or federal laws or federal regulations; and
  - (d) employ hearing examiners, clerks, and other employees and agents as necessary to perform the commissioner's duties under this chapter.
- (2)
  - (a) A person subject to this chapter violates this chapter if the person violates a federal law:
    - (i) that is applicable to the person because of the activities that make the person subject to this chapter; and
    - (ii) pursuant to the terms of the federal law in effect on the day the person violates the federal law.
  - (b) The commissioner shall by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this chapter, designate which one or more federal laws are applicable to a person described in Subsection (2)(a).
  - (c)
    - (i) Notwithstanding the other provisions of this chapter, only the commissioner may enforce or bring an action under this chapter for a violation described in this Subsection (2).
    - (ii) The commissioner may bring an action under this Subsection (2) in state court.

Renumbered and Amended by Chapter 72, 2009 General Session