

1 **RADIATION CONTROL ACT - CIVIL**

2 **PENALTIES**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Howard C. Nielson**

6 AN ACT RELATING TO ENVIRONMENTAL LAW; CLARIFYING CERTAIN PENALTIES
7 FOR VIOLATIONS OF RADIATION CONTROL ACT.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **19-3-109**, as renumbered and amended by Chapter 112, Laws of Utah 1991

11 *Be it enacted by the Legislature of the state of Utah:*

12 Section 1. Section **19-3-109** is amended to read:

13 **19-3-109. Civil penalties -- Appeals.**

14 (1) A person who violates any provision of Sections 19-3-104 through 19-3-113, any rule
15 or order issued under the authority of those sections, or the terms of a license, permit, or
16 registration certificate issued under the authority of those sections is subject to a civil penalty not
17 to exceed \$5,000 for each day of violation.

18 (2) The board may assess and make a demand for payment of a penalty under this section
19 and may compromise or remit that penalty.

20 (3) In order to make demand for payment of a penalty assessed under this section, the
21 board shall issue a notice of agency action, specifying, in addition to the requirements for notices
22 of agency action contained in Title 63, Chapter 46b, Administrative Procedures Act:

23 (a) the date, facts, and nature of each act or omission charged;

24 (b) the provision of the statute, rule, order, license, permit, or registration certificate that
25 is alleged to have been violated;

26 (c) each penalty that the bureau proposes to impose, together with the amount and date of
27 effect of that penalty; and

28 (d) that failure to pay the penalty or respond may result in a civil action for collection.

29 (4) A person notified according to Subsection (3) may request an adjudicative proceeding.

30 (5) Upon request by the board, the attorney general may institute a civil action to collect
31 a penalty imposed under this section.

32 (6) (a) Except as provided in Subsection (b), the department shall deposit all monies
33 collected from civil penalties imposed under this section into the General Fund.

34 (b) The department may reimburse itself and local governments from monies collected
35 from civil penalties for extraordinary expenses incurred in environmental enforcement activities.

36 (c) The department shall regulate reimbursements by making rules that:

37 (i) define qualifying environmental enforcement activities; and

38 (ii) define qualifying extraordinary expenses.

Legislative Review Note
as of 11-30-98 11:02 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel