

PENALTY FOR WELL DRILLING WITHOUT A LICENSE

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: John R. Westwood

LONG TITLE

General Description:

This bill enacts provisions that require the state engineer to impose a civil fine under certain circumstances.

Highlighted Provisions:

This bill:

▶ enacts provisions that require the state engineer to impose a civil fine on a person who takes certain actions without holding a well drilling license.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

73-3-26.1, Utah Code Annotated 1953

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

Section 1. Section **73-3-26.1** is enacted to read:

73-3-26.1. Violations -- Civil fine.

(1) (a) In addition to the criminal penalty described in Subsection 73-3-26(1), the state engineer ~~§~~→ [shaff] may ←~~§~~ impose a civil fine of \$500 for each day that a person is in violation of

S.B. 254



28 Subsection 73-3-26(1).

29 (b) The state engineer may collect an unpaid civil fine described in Subsection (1)(a)
30 by bringing an action in district court for the district where the violation occurred.

31 (2) The state engineer shall impose the fine described in Subsection (1)(a) by issuing a
32 written notice of violation to the person described in Subsection (1)(a) that:

33 (a) clearly describes the nature of the alleged violation;

34 (b) includes a reference to this section;

35 (c) explains that the person shall notify the state engineer within 20 days after the day
36 on which the person receives the notice of violation if the person seeks to contest the fine at a
37 hearing conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act;

38 (d) explains the consequences of failing to contest or pay the fine; and

39 (e) is served by the state engineer in accordance with the Utah Rules of Civil

40 Procedure.

41 (3) (a) If a person who is served with a notice of violation under Subsection (2) fails to
42 request a hearing to contest the fine within 20 calendar days after the day on which the notice
43 of violation is served, the fine becomes the final order of the state engineer and is not subject to
44 further agency review.

45 (b) The state engineer may extend, for cause, the period to contest the fine.

46 (4) If a fine becomes final, the state engineer may:

47 (a) refuse to issue a well drilling license under Section 73-3-25 to the person;

48 (b) refuse to renew the well drilling license of the person;

49 (c) revoke the well drilling license of the person; or

50 (d) place the person's well drilling license on probation.

51 (5) The state engineer may not impose a fine under this section if more than six months
52 have passed since the day on which the violation last occurred.

53 (6) The state engineer shall deposit into the General Fund any fine collected under this
54 section.

Legislative Review Note
as of 2-27-13 11:33 AM

Office of Legislative Research and General Counsel