

305 offense, respectively, provided the preceding action resulted in a first or second offense,
 306 respectively.

307 ~~§→ [(4) If, upon inspection or investigation, the division determines that a person has~~
 308 ~~violated an unlawful conduct or an unprofessional conduct provision defined in this title more~~
 309 ~~than one time, the division may treat each violation as a separate violation of the unlawful~~
 310 ~~conduct or unprofessional conduct provision and may apply a penalty as described in this title~~
 311 ~~to each violation.~~

312 ~~—— [(4)] (5)] (4) ←§~~ (a) The director may collect a penalty that is not paid by:

313 (i) [either] referring the matter to a collection agency; or

314 (ii) bringing an action in the district court of the county where the person against whom
 315 the penalty is imposed resides or in the county where the office of the director is located.

316 (b) A county attorney or the attorney general of the state shall provide legal assistance
 317 and advice to the director in an action to collect [the] a penalty.

318 (c) A court may award reasonable attorney fees and costs to the [division] prevailing
 319 party in an action brought by the division to [~~enforce the provisions of this section~~] collect a
 320 penalty.

321 Section 5. Section **58-3a-502** is amended to read:

322 **58-3a-502. Penalty for unlawful conduct.**

323 (1) (a) If upon inspection or investigation, the division concludes that a person has
 324 violated Subsections **58-1-501**(1)(a) through (d) or Section **58-3a-501** or any rule or order
 325 issued with respect to Section **58-3a-501**, and that disciplinary action is appropriate, the
 326 director or the director's designee from within the division for each alternative respectively,
 327 shall promptly issue a citation to the person according to this chapter and any pertinent rules,
 328 attempt to negotiate a stipulated settlement, or notify the person to appear before an
 329 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

330 (i) A person who violates Subsections **58-1-501**(1)(a) through (d) or Section **58-3a-501**
 331 or any rule or order issued with respect to Section **58-3a-501**, as evidenced by an uncontested
 332 citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may
 333 be assessed a fine pursuant to this Subsection (1) and may, in addition to or in lieu of, be
 334 ordered to cease and desist from violating Subsections **58-1-501**(1)(a) through (d) or Section
 335 **58-3a-501** or any rule or order issued with respect to this section.