

150 (d) The division may waive the penalty described in this Subsection (2) if:

151 (i) (A) the finding of noncompliance is the first finding of noncompliance against the
152 employer under this section;

153 (B) the period of noncompliance was less than 180 days;

154 (C) the employer is currently in compliance with Section 34A-2-201; and

155 (D) no ~~§~~→ [employee of the employer reported an injury to the division] injury was
155a reported to the division in accordance with Section 34A-2-407 ←~~§~~ during the period of
156 noncompliance; or

157 (ii) (A) the employer is a corporation;

158 (B) each employee of the corporation is an officer of the corporation; and

159 (C) the employer is currently in compliance with Section 34A-2-201.

160 (e) (i) The division may reduce the penalty described in this Subsection (2) if:

161 (A) the finding of noncompliance is the first finding of noncompliance against the
162 employer under this section;

163 (B) the employer is currently in compliance with Section 34A-2-201;

164 (C) no ~~§~~→ [employee of the employer reported an injury to the division] injury was
164a reported to the division in accordance with Section 34A-2-407 ←~~§~~ during the period of
165 noncompliance; and

166 (D) upon request from the division, the employer submits to the division the
167 employer's payroll records related to the period of noncompliance.

168 (ii) (A) The reduced penalty shall be an amount equal to the premium the employer
169 would have paid for workers' compensation insurance based on the rate filing of the workers'
170 compensation insurance carrier that provides workers' compensation insurance under Section
171 31A-22-1001, during the period of noncompliance.

172 (B) The division shall calculate the amount described in Subsection (2)(e)(ii)(A) using
173 the payroll records described in Subsection (2)(e)(i)(D).

174 (f) The division may reinstate the full penalty amount against an employer if the
175 Uninsured Employers' Fund is ordered to pay benefits for an injury that occurred but was not
176 reported during the period of noncompliance for which the division waived or assessed a
177 reduced penalty under this subsection.

178 (3) A penalty imposed under Subsection (2) shall be:

179 (a) deposited in the Uninsured Employers' Fund created by Section 34A-2-704;

180 (b) used for the purposes of the Uninsured Employers' Fund specified in Section