

S.B. 153

BUSINESS PAYROLL PRACTICES AMENDMENTS

Senator **Karen Mayne** proposes the following amendments:

1. *Page 1, Line 26 through Page 2, Line 29:*

26 (1) (a) (i) A person who violates Subsection 58-55-308(2), Subsection 58-55-501(1),
27 (2), (3), (4), (5), (6), (7), (9), (10), (12), (14), (15), (16)(e), ~~{(17)}~~ (22), (23), (24), (25), (26),
28 (27), (28), or (29), or Subsection 58-55-504(2), or who fails to comply with a citation issued
29 under this section after it is final, is guilty of a class A misdemeanor.

2. *Page 2, Lines 50 through 57:*

50 (4) (a) (i) If upon inspection or investigation, the division concludes that a person has
51 violated the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9),
52 (10), (12), (14), (16)(e), ~~{(17)}~~ (19), (21), (22), (23), (24), (25), (26), (27), (28), or (29),
53 Subsection 58-55-504(2), or any rule or order issued with respect to these subsections, and that
54 disciplinary action is appropriate, the director or the director's designee from within the
55 division shall promptly issue a citation to the person according to this chapter and any pertinent
56 rules, attempt to negotiate a stipulated settlement, or notify the person to appear before an
57 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

3. *Page 2, Line 58 through Page 3, Line 65:*

58 ~~[(i)]~~ (ii) A person who is in violation of the provisions of Subsection 58-55-308(2),
59 Subsection 58-55-501(1), (2), (3), (9), (10), (12), (14), (16)(e), ~~{(17)}~~ (19), (21), (22), (23), (24),
60 (25), (26), (27), (28), or (29), or Subsection 58-55-504(2), as evidenced by an uncontested
61 citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may
62 be assessed a fine pursuant to this Subsection (4) and may, in addition to or in lieu of, be
63 ordered to cease and desist from violating Subsection 58-55-308(2), Subsection 58-55-501(1),
64 (2), (3), (9), (10), (12), (14), (16)(e), ~~{(17)}~~ (19), (21), (24), (25), (26), (27), (28), or (29), or
65 Subsection 58-55-504(2).

4. *Page 4, Line 101 through Page 5, Line 125:*

101 (ii) Except as provided in Subsection (5), if a person violates Subsection
102 58-55-501(16)(e) ~~{(17)}~~ or (29), the director or the director's designee shall assess a fine in
103 accordance with the following:
104 (A) for a first offense handled pursuant to Subsection (4)(a), a fine of up to \$2,000;
105 (B) for a second offense handled pursuant to Subsection (4)(a), a fine of up to \$4,000;

106 and
107 (C) for any subsequent offense handled pursuant to Subsection (4)(a), a fine of up to
108 \$4,000 for each day of continued offense.
109 (i) (i) For purposes of issuing a final order under this section and assessing a fine under
110 Subsection (4)(h), an offense constitutes a second or subsequent offense if:
111 (A) the division previously issued a final order determining that a person committed a
112 first or second offense in violation of Subsection 58-55-308(2), Subsection 58-55-501(1), (2),
113 (3), (9), (10), (12), (14), ~~(16)(e)~~, ~~{(17)}~~ (19), (24), (25), (26), (27), (28), or (29), or Subsection
114 58-55-504(2); or
115 (B) (I) the division initiated an action for a first or second offense;
116 (II) a final order has not been issued by the division in the action initiated under
117 Subsection (4)(i)(i)(B)(I);
118 (III) the division determines during an investigation that occurred after the initiation of
119 the action under Subsection (4)(i)(i)(B)(I) that the person committed a second or subsequent
120 violation of the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9),
121 (10), (12), (14), ~~(16)(e)~~, ~~{(17)}~~ (19), (24), (25), (26), (27), (28), or (29), or Subsection
122 58-55-504(2); and
123 (IV) after determining that the person committed a second or subsequent offense under
124 Subsection (4)(i)(i)(B)(III), the division issues a final order on the action initiated under
125 Subsection (4)(i)(i)(B)(I).