

Part 3 Enforcement

7-24-301 Enforcement by department -- Rulemaking.

- (1) Subject to the requirements of Title 63G, Chapter 4, Administrative Procedures Act, the department may:
 - (a) receive and act on complaints;
 - (b) take action designed to obtain voluntary compliance with this chapter; or
 - (c) commence administrative or judicial proceedings on its own initiative to enforce compliance with this chapter.
- (2) The department may:
 - (a) counsel persons and groups on their rights and duties under this chapter;
 - (b) make rules to:
 - (i) restrict or prohibit lending or servicing practices that are misleading, unfair, or abusive;
 - (ii) promote or assure fair and full disclosure of the terms and conditions of agreements and communications between title lenders and customers; or
 - (iii) promote or assure uniform application of or to resolve ambiguities in applicable state or federal laws or federal regulations; and
 - (c) employ hearing examiners, clerks, and other employees and agents as necessary to perform the department's duties under this chapter.

Amended by Chapter 382, 2008 General Session

7-24-302 Examination of books, accounts, and records by the department.

- (1) The department may examine the books, accounts, and records of a title lender and may make investigations to determine compliance with this chapter.
- (2) In accordance with Section 7-1-401, a title lender shall pay a fee for an examination conducted under Subsection (1).

Enacted by Chapter 236, 2003 General Session

7-24-303 Penalties.

- (1) A person who violates this chapter or who files materially false information with a registration or renewal under Section 7-24-201 is:
 - (a) guilty of a class B misdemeanor except for a violation of:
 - (i) Subsection 7-24-202(1)(e)(i), (ii), or (iii); or
 - (ii) rules made under Subsection 7-24-301(2)(b); and
 - (b) subject to revocation of a person's registration under this chapter.
- (2) Subject to Title 63G, Chapter 4, Administrative Procedures Act, if the department determines that a person is extending title loans in violation of this chapter, the department may:
 - (a) revoke that person's registration under this chapter;
 - (b) issue a cease and desist order from committing any further violations;
 - (c) prohibit the person from continuing to extend title loans;
 - (d) impose an administrative fine not to exceed \$1,000 per violation, except that:
 - (i) a fine imposed under Subsection 7-24-201(2)(e) shall comply with Subsection 7-24-201(2)(e); and

- (ii) the aggregate total of fines imposed under this chapter against a person in a calendar year may not exceed \$30,000 for that calendar year; or
 - (e) take any combination of actions listed under this Subsection (2).
- (3) A person is not subject to the penalties under this section for a violation of this chapter that was not willful or intentional, including a violation resulting from a clerical error.

Amended by Chapter 382, 2008 General Session

7-24-304 Civil liability.

Nothing in this chapter is intended to limit any civil liability that may exist against a title lender for:

- (1) breach of contract;
- (2) violation of federal law; or
- (3) other unlawful act.

Enacted by Chapter 236, 2003 General Session

7-24-305 Exemptions.

The following are not subject to the requirements of this chapter:

- (1) a depository institution;
- (2) a depository institution holding company; or
- (3) an institution directly or indirectly owned or controlled by one or more:
 - (a) depository institutions; or
 - (b) depository institution holding companies.

Enacted by Chapter 236, 2003 General Session