

LABOR COMMISSION RELATED AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael T. Morley

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

This bill modifies the Utah Labor Code to address the ability to serve, file, or deliver documents.

Highlighted Provisions:

This bill:

- ▶ permits a document to be served, filed, or delivered electronically as provided by rule; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

34A-1-304, as last amended by Laws of Utah 2008, Chapter 382

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

Section 1. Section **34A-1-304** is amended to read:

34A-1-304. Definitions -- Rulemaking -- Electronic or similar methods of proceedings.

(1) For purposes of this section:

(a) "Deliver" means to serve, file, or otherwise provide a document.

30 (b) "Document" includes a notice, order, decision, or other document that is required or
31 permitted by a relevant statute.

32 (c) "Relevant statute" means a provision of:

33 (i) this title;

34 (ii) Title 34, Labor in General, for which the commissioner has regulatory authority;

35 (iii) Title 40, Chapter 2, Coal Mine Safety Act; or

36 (iv) Title 57, Chapter 21, Utah Fair Housing Act.

37 ~~[(1)]~~ (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
38 Act, the commission shall make rules governing adjudicative procedures under a relevant
39 statute, including ~~[the forms of notices]~~ providing the form of a notice and the manner of
40 serving a notice ~~[in all claims].~~

41 (b) Except as provided in this title and Title 63G, Chapter 4, Administrative
42 Procedures Act, ~~[the rules]~~ a rule made under this section ~~[are]~~ is not required to conform to
43 common law or statutory rules of evidence or other technical rules of procedure.

44 ~~[(2)]~~ (3) The rules made under this section shall protect the rights of the parties and
45 include procedures to:

46 (a) dispose of ~~[cases]~~ a case informally[;] or ~~[to]~~ expedite claims adjudication[;];

47 (b) narrow issues[;]; and

48 (c) simplify the methods of proof at ~~[hearings]~~ a hearing.

49 ~~[(3)]~~ (4) The commission may by rule permit ~~[hearings or other adjudicative~~
50 proceedings] a hearing or other adjudicative proceeding to be conducted, recorded, or
51 published by ~~[means of electronic devices or other similar methods]~~ an electronic means or
52 similar method.

53 (5) Notwithstanding whether a relevant statute requires that a document be delivered
54 by mail or otherwise, the commission may by rule, made in accordance with Title 63G, Chapter
55 3, Utah Administrative Rulemaking Act, permit a document to be delivered by electronic
56 means pursuant to the rule.