

Use of "Liberally Construed" in Utah State Administrative Rules

(OLRGC -- November 6, 2009)

Agriculture and Food

R51-2-4. Construction

- A. These rules shall be construed in accordance with Title 63, Chapter 46b.
- B. These rules shall be *liberally construed* to secure just, speedy, and economical determination of all issues presented to the Department.

R70-530-1. Authority and Purpose.

(1) Authority.

Promulgated under the authority of the Section 4-5-17.

(2) Purpose.

This rule shall be *liberally construed* and applied to promote its underlying purpose of safeguarding public health and providing to consumers food that is safe, unadulterated, and honestly presented.

Alcoholic Beverage Control

R81-1-7. Disciplinary Hearings.

(1) General Provisions. . .

(b) Liberal Construction. Provisions of this rule shall be *liberally construed* to secure just, speedy and economical determination of all issues presented in any disciplinary action.

Commerce

R151-46b-5. General Provisions.

(1) Liberal Construction.

These rules shall be *liberally construed* to secure the just, speedy, and economical determination of all issues presented in adjudicative proceedings before the department.

R152-1-1. Purposes, Policies and Rules of Construction. . .

(B)(2) *Without limiting the scope of any statute or rule, this rule shall be liberally construed and applied to promote its stated purposes and policies. The purposes and policies of this rule are to:*

- (a) protect consumers from individuals and businesses who have engaged in and committed deceptive acts or practices, or have engaged in and committed unconscionable acts or practices.
- (b) supply consumers with pertinent information on the nature of those individuals or businesses who may be engaging in and committing deceptive acts or practices, or may be engaging in and committing unconscionable acts or practices, so as to aid consumers in their decision making.
- (c) encourage the development of fair consumer sales practices and wise decision making by consumers in all their consumer purchase decisions.

R152-11-1. Purposes, Rules of Construction.

A. These substantive rules are adopted by the Director of the Division of Consumer Protection pursuant to Section 8 of Chapter 188 of the Laws of Utah, 1973 (Utah Consumer Sales Practices Act, Utah Code Annotated Section 13-11-1 et seq., as amended). *Without limiting the scope of any section of the Utah Consumer Sales Practices Act or any other rule, these rules shall be liberally construed and applied to promote their purposes and policies. The purpose and policies of these rules are to:*

- (1) define with reasonable specificity acts and practices which violate Section 4 of the Utah Consumer Sales Practices Act.
- (2) protect consumers from suppliers who engage in referral sellings, commit deceptive acts or practices, or commit unconscionable acts or practices.
- (3) encourage the development of fair consumer sales practices.
- (4) supplement and compliment any other rules promulgated by the State of Utah or any agency or subdivision thereof or any other governmental entity.

Commerce, cont.

R156-78B-4. General Provisions.

(1) Liberal Construction.

This rule shall be *liberally construed* to secure the just, speedy and economical determination of all issues presented to the division.

Environmental Quality

R309-405-2. Purpose, Scope, and Applicability. . .

(1) This rule sets the criteria and procedures the Board will use in assessing penalties to public drinking water systems for violation of its rules.

(2) This guidance and ensuing criteria is intended to be *flexible and liberally construed* to achieve a fair, just, and equitable result with the intent of returning a public water system to compliance.

R311-208-2. Underground Storage Tank Penalty Criteria. . .

(c) This guidance and ensuing criteria is intended to be *flexible and liberally construed* to achieve a fair, just, and equitable result.

R311-210-2. General Provisions. . .

(d) These rules shall be *liberally construed* to secure a just, speedy and economical determination of all issues presented. These rules shall also be construed to be in compliance with the UAPA as far as the UAPA is applicable, the Environmental Quality Code (Section 19-1 et seq.) and the Underground Storage Tank Act. Whenever indicated, certain provisions have exclusive application to either UAPA-exempt, or UAPA formal or informal proceedings.

Health

R392-200-1. General Provisions.

A. Purpose. This rule shall be *liberally construed* and applied to provide minimum requirements for the protection of the health and safety of the school occupants and the general public.

Insurance

R590-160-5. Rules Applicable to All Proceedings.

(1) Liberal Construction. These rules shall be *liberally construed* to secure just, speedy and economical determination of all issues presented to the commissioner.

Natural Resources

R641-100-300. Liberal Construction.

These rules will be *liberally construed* to secure just, speedy, and economical determination of all issues presented to the Board.

R651-101-4. Construction.

(a) These rules shall be construed in accordance with the Utah Administrative Procedures Act, Chapter 63-46b, and supersede any conflicting provision of procedural rules promulgated by the Board or Division.

(b) These rules shall be *liberally construed* to secure a just, speedy and economical determination of all issues presented to the Division or Director.

R651-700-3 Application (Published: September 15, 2009 Utah State Bulletin)

These rules are applicable statewide for real property transactions but they shall be *liberally construed* to permit the Division to effectuate the purposes of Utah law.

R653-7-4. Construction - Computation of Time.

1. This rule shall be construed in accordance with the Utah Administrative Procedures Act and supersedes any conflicting provision of procedural rules promulgated by the Division or Board.

2. This rule shall be *liberally construed* to secure a just and speedy determination of all issues presented to the Division or Board.

R655-2-1. General Provisions. . .

1.3 Liberal Construction. These rules shall be *liberally construed* to secure a just, speedy and economical determination of all issues presented to the State Engineer.

Natural Resources, cont.

R655-6-4. Construction.

- A. These rules shall be construed in accordance with Title 63, Chapter 46b, and these rules supersede any conflicting provision of procedural rules promulgated by the Division.
- B. These rules shall be *liberally construed* to secure a just, speedy and economical determination of all issues presented to the Division.

R655-14-2. Application and Preamble. . .

- (4) These rules shall be *liberally construed* to permit the Division to effectuate the purposes of Utah law.

R655-15-3. Application of Rule. . .

- (2) This rule shall be *liberally construed* to permit the Division of Water Rights to effectuate the intent and purposes of applicable Utah law.

R657-2-3. Construction - Deviation From Rule. . .

- (2) This rule shall be *liberally construed* to secure a just, speedy, and economic determination of issues.

School and Institutional Trust Lands

R850-8-400. Liberal Construction.

This rule will be *liberally construed* to secure just, speedy, and economical determination of issues presented to the board.

Workforce Services

R986-100-132. What Constitutes Grounds to Set Aside a Default.

- (1) A request to reopen or set aside for failure to participate: . .
- (2) Requests to reopen or set aside are remedial in nature and thus must be *liberally construed* in favor of providing parties with an opportunity to be heard and present their case. Any doubt must be resolved in favor of granting reopening.

Workforce Services, cont.

R994-102-101. Authority and Statement of the Rules. . .

(4) These rules are to be *liberally construed* and administered and doubts should be resolved in favor of finding coverage of the employee and assisting those who are attached to the work force.