**R914. Transportation, Operations, Aeronautics.**

**R914-4. Challenging Aircraft Valuations.**

**R914-4-1. Purpose and Authority.**

(1) The purpose of this administrative rule is to provide a procedure by which an owner of an aircraft may challenge the department's calculation of the average wholesale value of an aircraft and other actions.

(2) Section 72-10-110 requires the department to make this rule. The department also has general rulemaking authority granted by Section 72-1-201.

**R914-4-2. Definitions.**

As used in this rule:

(1) "Department" means the Utah Department of Transportation;

(2) "Director" means the Director of Utah Department of Transportation, Division of Aeronautics;

(3) "Division" means the Utah Department of Transportation Division of Aeronautics.

(4) "Presiding Officer" means the Director of Operations for the department or a person designated by the Director of Operations to conduct an appeal proceeding and issue a decision on the appeal.

**R914-4-3. Initiating an Appeal.**

(1) To file an appeal with the division, an individual or entity shall:

(a) email a request for an appeal to the division at: aircraftregistration@utah.gov; or

(b) deliver or mail a request for an appeal to:

Utah Department of Transportation

Division of Aeronautics

135 North 2400 West

Salt Lake City, Utah 84116.

(2) Requests must be received by the division before 5 P.M. of the 30th day after the date of the Letter of Notification for Aircraft Registration.

(3) Appeals must be filed using the form provided by the division at: https://udot.utah.gov/connect/about-us/operations/aeronautics/aircraft-registration/.

(4) The division will adjudicate all appeals as expeditiously as reasonably possible.

**R914-4-4. Appeal Proceedings.**

(1)(a) After receiving an appeal, the presiding officer will determine whether the appeal request complies with the requirements of this rule.

(b) If the presiding officer determines that the appeal does not comply with this rule, the presiding officer shall issue an appeal decision dismissing the appeal without holding a hearing.

(c) If the presiding officer determines that the appeal complies with this rule, the presiding officer shall do one of the following:

(i) if the presiding officer determines that the appeal alleges facts that, if true, do not provide an adequate basis for the appeal, issue an appeal decision denying the appeal without holding a hearing;

(ii) if the presiding officer determines that the undisputed facts of the appeal indicate that the appeal should be upheld, issue an appeal decision upholding the appeal without holding a hearing; or

(iii) if there is a genuine issue of material fact or law that needs to be resolved to determine whether the appeal should be upheld, conduct an appeal proceeding as an informal adjudicative proceeding in accordance with Section 63G-4-203.

(2) If an appeal proceeding is held on an appeal, the presiding officer may:

(a) subpoena witnesses and compel their attendance at the appeal proceeding;

(b) subpoena documents for production at the appeal proceeding;

(c) obtain additional factual information; and

(d) obtain testimony from any individual or entity necessary to assist the presiding officer in deciding on the appeal.

(3) The Rules of Evidence do not apply to an appeal proceeding.

(4) A presiding officer shall record an appeal proceeding held pursuant to this rule.

(5)(a) The deliberations of a presiding officer may be held in private.

(b) If the presiding officer is a public body, as defined in Section 52-4-103, the presiding officer will comply with Section 52-4-205 if the public body decides to close a meeting for deliberations.

(6) Regardless of whether an appeal proceeding is held under this rule, a presiding officer shall:

(a) issue an appeal decision in writing within a reasonable time;

(b) mail, email, or otherwise furnish a copy of the appeal decision to the individual or entity requesting the appeal; and

(c) preserve any record and other evidence relied upon in reaching the presiding officer's decision until the decision, and any appeal of the decision becomes final.

(7) The presiding officer shall ensure that any appeal decision issued pursuant to this rule:

(a) states the reasons for the action taken; and

(b) includes a statement providing notice of the right to file a request for reconsideration as described under Section R914-4-5 and to seek judicial review as described in Section R914-4-6.

(8) A decision described in this rule is effective until stayed or reversed through a request for reconsideration as described under Section R914-4-5 or through judicial review as described in Section R914-4-6.

(9) If the presiding officer does not issue the written decision regarding a protest within 30 calendar days after the day on which the appeal request was filed, or within a longer period as may be agreed upon by the parties, the individual or entity that made the appeal request may proceed as if an adverse appeal decision was issued.

(10) An individual is not precluded from acting as a presiding officer because the individual also acted in another capacity during the valuation process.

(11) Holding an appeal proceeding, considering an appeal, or issuing a written decision under this rule does not affect an individual's or entity's right to later question or challenge the presiding officer's jurisdiction to hold the hearing, consider the appeal, or issue the decision.

**R914-4-5. Request for Reconsideration.**

(1) Within 20 days after the date a presiding officer issues a decision regarding any appeal, an individual or entity may file a written request for reconsideration with the division.

(2)(a) A written request for reconsideration must state the specific reasons reconsideration is being requested.

(b) A determination under this rule by the presiding officer regarding an issue of fact may not be overturned on a request for reconsideration unless the presiding officer's decision is clearly arbitrary, capricious, or erroneous.

(3) Filing a request for reconsideration is not a prerequisite for seeking judicial appeal of a presiding officer's order.

(4) A request for reconsideration must be filed with the division following the procedure set forth in Section R914-4-3.

(5)(a) The director or the director's designee will issue a written order granting or denying the request for reconsideration.

(b) If the director or the director's designee does not issue an order within 20 days after the filing of the request for reconsideration, the request for reconsideration will be considered to be denied.

(c) If a request for reconsideration is denied as provided in Subsection (5)(a) or (b), the individual's or entity's administrative remedies will be considered exhausted.

(d) If the request for reconsideration is granted, the director or the director's designee shall conduct the proceedings in accordance with the procedures described in Section R914-4-4.

**R914-4-6. Judicial Review.**

An individual or entity must seek judicial review in accordance with the requirements of Title 63G, Chapter 4, Part 4, Judicial Review.

**KEY: aeronautics, corrective action orders, reviews**

**Date of Last Change: October 22, 2024**

**Authorizing, and Implemented or Interpreted Law: 72-10-110(2)(d)(ii); 72-1-201(1)(h)**