

**13-23-7 Enforcement -- Costs and attorney's fees -- Penalties.**

- (1) The division may, on behalf of any consumer or on its own behalf, file an action for injunctive relief, damages, or both to enforce this chapter. In addition to any relief granted, the division is entitled to an award for reasonable attorney's fees, court costs, and reasonable investigative expenses.
- (2)
  - (a) A person who willfully violates any provision of this chapter, either by failing to comply with any requirement or by doing any act prohibited in this chapter, is guilty of a class B misdemeanor. Each day the violation is committed or permitted to continue constitutes a separate punishable offense.
  - (b) In the case of a second offense, the person is guilty of a class A misdemeanor.
  - (c) In the case of three or more offenses, the person is guilty of a third degree felony.
- (3)
  - (a) In addition to any other penalty available under this chapter, a person who violates this chapter is subject to:
    - (i) a cease and desist order; and
    - (ii) an administrative fine of up to \$2,500 for each separate violation that is not a violation described in Subsection 13-23-5(2)(e) up to \$10,000 for any series of violations arising out of the same operative facts.
  - (b) All administrative fines collected under this chapter shall be deposited in the Consumer Protection Education and Training Fund created in Section 13-2-8.

Amended by Chapter 18, 2005 General Session