

15-8-11 Enforcement -- Penalties.

- (1)
 - (a) A lessor who fails to comply with the requirements of this chapter is liable to a consumer in an amount equal to the greater of:
 - (i) the actual damages sustained by the consumer as a result of the lessor's failure to comply with this chapter; or
 - (ii) 25% of the total payments necessary to acquire ownership, but not less than \$100 nor more than \$1,000.
 - (b) A lessor may also be liable to the consumer for the costs of the action and reasonable attorneys' fees, as determined by the court.
- (2) A consumer may not take any action to offset the amount for which a lessor is potentially liable under Subsection (1) against any amount owed by the consumer, unless the amount of the lessor's liability has been determined by judgment of a court of competent jurisdiction in an action in which the lessor was a party. This subsection does not bar a consumer then in default on an obligation from asserting a violation of this chapter as an original action, or as a defense or counterclaim, to an action brought by a lessor against the consumer.
- (3) No action under this section may be brought in any court of competent jurisdiction more than two years after the date the consumer made his last rental payment or more than two years after the date of the occurrence of the violation that is the subject of the suit, whichever is later.

Enacted by Chapter 251, 1993 General Session