

26-20-9.5 Civil penalties.

- (1) The culpable mental state required for a civil violation of this chapter is "knowing" or "knowingly" which:
 - (a) means that person, with respect to information:
 - (i) has actual knowledge of the information;
 - (ii) acts in deliberate ignorance of the truth or falsity of the information; or
 - (iii) acts in reckless disregard of the truth or falsity of the information; and
 - (b) does not require a specific intent to defraud.
- (2) Any person who violates this chapter shall, in all cases, in addition to other penalties provided by law, be required to:
 - (a) make full and complete restitution to the state of all damages that the state sustains because of the person's violation of this chapter;
 - (b) pay to the state its costs of enforcement of this chapter in that case, including the cost of investigators, attorneys, and other public employees, as determined by the state; and
 - (c) pay to the state a civil penalty equal to:
 - (i) three times the amount of damages that the state sustains because of the person's violation of this chapter; and
 - (ii) not less than \$5,000 or more than \$10,000 for each claim filed or act done in violation of this chapter.
- (3) Any civil penalties assessed under Subsection (2) shall be awarded by the court as part of its judgment in both criminal and civil actions.
- (4) A criminal action need not be brought against a person in order for that person to be civilly liable under this section.

Amended by Chapter 297, 2011 General Session