

Effective 5/10/2016

63D-3-105 Remedies.

- (1) A person who brings a civil action against an individual for a violation of Section 63D-3-104 may:
 - (a) recover actual damages, including the person's:
 - (i) lost profits;
 - (ii) economic damages; and
 - (iii) reasonable cost of remediation efforts related to the violation;
 - (b) recover consequential damages, including for interruption of service;
 - (c) recover, from the individual, the individual's profit obtained through trafficking in anything obtained by the individual through the violation;
 - (d) obtain injunctive or other equitable relief to prevent a future violation of Section 63D-3-104; and
 - (e) recover anything the individual obtained through the violation, including:
 - (i) misappropriated information or code;
 - (ii) a misappropriated program; and
 - (iii) any copies of the information, code, or program described in Subsections (1)(e)(i) and (1)(e)(ii).
- (2) A court shall award reasonable attorney fees to the prevailing party in any action arising under this part.
- (3) The remedies available for a violation of Section 63D-3-104 are in addition to remedies otherwise available for the same conduct under federal or state law.
- (4) A person may not file a civil action under Section 63D-3-104 later than three years after the day on which:
 - (a) the violation occurred; or
 - (b)
 - (i) the person discovers the violation; or
 - (ii) the person should have discovered the violation if the person acted with reasonable diligence to discover the violation.

Enacted by Chapter 209, 2016 General Session