

13-21-8 Burden of proving exception -- Penalties -- Court's criminal and equitable jurisdiction -- Prosecution.

- (1)
 - (a) Any waiver by a buyer of any part of this chapter is void.
 - (b) Any attempt by a credit services organization to have a buyer waive rights given by this chapter is a violation of this chapter.
- (2) In any proceeding involving this chapter, the burden of proving an exemption or an exception from a definition is upon the person claiming the exemption or exception.
- (3)
 - (a) Any person who violates this chapter is guilty of a class A misdemeanor.
 - (b) Any district court of this state has jurisdiction to restrain and enjoin the violation of this chapter.
- (4) The attorney general, any county attorney, any district attorney, or any city attorney may prosecute misdemeanor actions or institute injunctive or civil proceedings, or both, under this chapter.
- (5) The remedies, duties, prohibitions, and penalties of this chapter are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.
- (6)
 - (a) In addition to other penalties under this section, the division director may issue a cease and desist order and impose an administrative fine of up to \$2,500 for each violation of this chapter.
 - (b) All money received through administrative fines imposed under this section shall be deposited in the Consumer Protection Education and Training Fund created by Section 13-2-8.

Amended by Chapter 47, 2006 General Session