

13-25a-107 Private action.

- (1) In addition to any other remedies, a person may bring an action in any state court of competent jurisdiction if:
- (a)
 - (i) the person has received two or more telephone solicitations or facsimile advertisements from the same individual or entity that:
 - (A) violates this chapter; or
 - (B) violates Title 47 U.S.C. 227; and
 - (ii) the person, following the first telephone solicitation or facsimile advertisement, notified the sender of the person's objection to receiving the telephone solicitation or facsimile advertisement; or
 - (b) the person has received one telephone solicitation or facsimile advertisement in violation of:
 - (i) Subsection 13-25a-103(1);
 - (ii) Subsection 13-25a-103(3);
 - (iii) Subsection 13-25a-103(5);
 - (iv) Subsection 13-25a-103(6); or
 - (v) Subsection 13-25a-104(1).
- (2) In a suit brought under Subsection (1), a person may:
- (a) recover the greater of \$500 or the amount of the pecuniary loss, if any;
 - (b) recover court costs and reasonable attorneys' fees as determined by the court; and
 - (c) seek to enjoin any conduct in violation of this chapter.

Amended by Chapter 263, 2003 General Session