

**13-26-8 Penalties.**

- (1)
- (a) Any telephone soliciting business or any person associated with a telephone soliciting business, including solicitors, salespersons, agents, representatives of a solicitor, or independent contractor, who violates this chapter as a first offense is guilty of a class B misdemeanor.
  - (b) In the case of a second offense, the person is guilty of a class A misdemeanor.
  - (c) In the case of three or more offenses, the person is guilty of a third degree felony.
  - (d)
    - (i) In addition to other penalties under this Subsection (1), 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.
    - (ii) For purposes of Subsection (1)(d)(i), each telephone solicitation made in violation of this chapter is a separate violation.
    - (iii) 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.
- (2) Any telephone soliciting business or any person associated with a telephone soliciting business, including solicitors, salespersons, agents, representatives of a solicitor, or independent contractors, who violates any provision of this chapter shall be subject to a civil penalty in a court of competent jurisdiction not exceeding \$2,500 for each unlawful transaction.

Amended by Chapter 124, 2013 General Session