

13-44-301 Enforcement.

- (1) The attorney general may enforce this chapter's provisions.
- (2)
 - (a) Nothing in this chapter creates a private right of action.
 - (b) Nothing in this chapter affects any private right of action existing under other law, including contract or tort.
- (3) A person who violates this chapter's provisions is subject to a civil fine of:
 - (a) no greater than \$2,500 for a violation or series of violations concerning a specific consumer; and
 - (b) no greater than \$100,000 in the aggregate for related violations concerning more than one consumer.
- (4) In addition to the penalties provided in Subsection (3), the attorney general may seek injunctive relief to prevent future violations of this chapter in:
 - (a) the district court located in Salt Lake City; or
 - (b) the district court for the district in which resides a consumer who is affected by the violation.
- (5) In enforcing this chapter, the attorney general may:
 - (a) investigate the actions of any person alleged to violate Section 13-44-201 or 13-44-202;
 - (b) subpoena a witness;
 - (c) subpoena a document or other evidence;
 - (d) require the production of books, papers, contracts, records, or other information relevant to an investigation; and
 - (e) conduct an adjudication in accordance with Title 63G, Chapter 4, Administrative Procedures Act, to enforce a civil provision under this chapter.
- (6) A subpoena issued under Subsection (5) may be served by certified mail.
- (7) A person's failure to respond to a request or subpoena from the attorney general under Subsection (5)(b), (c), or (d) is a violation of this chapter.
- (8)
 - (a) The attorney general may inspect and copy all records related to the business conducted by the person alleged to have violated this chapter, including records located outside the state.
 - (b) For records located outside of the state, the person who is found to have violated this chapter shall pay the attorney general's expenses to inspect the records, including travel costs.
 - (c) Upon notification from the attorney general of the attorney general's intent to inspect records located outside of the state, the person who is found to have violated this chapter shall pay the attorney general \$500, or a higher amount if \$500 is estimated to be insufficient, to cover the attorney general's expenses to inspect the records.
 - (d) The attorney general shall deposit any amounts received under this Subsection (8) in the Attorney General Litigation Fund established in Section 76-10-3114.
 - (e) To the extent an amount paid to the attorney general by a person who is found to have violated this chapter is not expended by the attorney general, the amount shall be refunded to the person who is found to have violated this chapter.
 - (f) The Division of Corporations and Commercial Code or any other relevant entity shall revoke any authorization to do business in this state of a person who fails to pay any amount required under this Subsection (8).

Amended by Chapter 187, 2013 General Session