

31A-31-109 Civil penalties.

- (1) In addition to other penalties provided by law, a person who violates this chapter:
 - (a) is subject to the following civil penalties:
 - (i) the person shall make full restitution; and
 - (ii) the person shall pay the costs of enforcement of this chapter for the case in which the person is found to have violated this chapter:
 - (A) as determined by the one or more authorized agencies involved; and
 - (B) including costs of:
 - (I) investigators;
 - (II) attorneys; and
 - (III) other public employees; and
 - (b) in the discretion of the court, may be required to pay to the state a civil penalty not to exceed three times that amount of value improperly sought or received from the fraudulent insurance act.
- (2)
 - (a) Money paid under Subsection (1)(a)(i) shall be paid to the person damaged by the fraudulent insurance act.
 - (b) Money paid under Subsection (1)(a)(ii) shall be paid to each applicable authorized agency in the following order:
 - (i) to the Insurance Fraud Investigation Restricted Account created in Section 31A-31-108 for the costs of enforcement incurred by the commissioner;
 - (ii) to the General Fund for the costs of enforcement incurred by a state agency other than the commissioner;
 - (iii) to the applicable political subdivision for the costs of enforcement incurred by the political subdivision; and
 - (iv) to the applicable criminal investigative department or agency of the United States for the costs of enforcement incurred by the department or agency.
 - (c) Money paid under Subsection (1)(b) shall be paid into the General Fund.
- (3)
 - (a) A civil penalty assessed under Subsection (1) shall be awarded by the court as part of its judgment in both criminal and civil actions.
 - (b) A criminal action need not be brought against a person in order for that person to be civilly liable under this section.

Amended by Chapter 284, 2011 General Session