

34-45-105 Cause of action for noncompliance -- Remedies.

- (1) An individual who is injured, physically or otherwise, as a result of any policy or rule prohibited by Section 34-45-103, may bring a civil action in a court of competent jurisdiction against any person that violates the provisions of Section 34-45-103.
- (2) Any individual who asserts a claim under this section is entitled to request:
 - (a) declaratory relief;
 - (b) temporary or permanent injunctive relief to prevent the threatened or continued violation;
 - (c) recovery for actual damages sustained; and
 - (d) punitive damages, if:
 - (i) serious bodily injury or death occurs as a result of the violation of Section 34-45-103; or
 - (ii) the person who violates Section 34-45-103 has previously been notified by the attorney general that a policy or rule violates Section 34-45-103.
- (3) The prevailing party in an action brought under this chapter may recover its court costs and reasonable attorney fees incurred.
- (4) Nothing in this chapter shall be construed or held to affect any rights or claims made in relation to Title 34A, Chapter 2, Workers' Compensation Act.

Enacted by Chapter 379, 2009 General Session