

Effective 5/12/2015

57-17-5 Failure to return deposit or prepaid rent or to give required notice -- Recovery of deposit, penalty, costs, and attorney fees.

- (1) If an owner or the owner's agent fails to comply with the requirements described in Subsection 57-17-3(5), the renter may:
 - (a) recover from the owner:
 - (i) if the owner or the owner's agent failed to timely return the balance of the renter's deposit, the full deposit;
 - (ii) if the owner or the owner's agent failed to timely return the balance of the renter's prepaid rent, the full amount of the prepaid rent; and
 - (iii) a civil penalty of \$100; and
 - (b) file an action in district court to enforce compliance with the provisions of this section.
- (2) In an action under Subsection (1)(b), the court shall award costs and attorney fees to the prevailing party if the court determines that the opposing party acted in bad faith.
- (3) A renter is not entitled to relief under this section if the renter fails to serve a notice in accordance with Subsection 57-17-3(3).
- (4) This section does not preclude an owner or a renter from recovering other damages to which the owner or the renter is entitled.

Amended by Chapter 258, 2015 General Session