

**61-2f-405 Criminal penalties for violation of chapter -- Other penalties.**

- (1)
  - (a) An individual required to be licensed under this chapter who violates this chapter, in addition to being subject to a license sanction or a fine ordered by the commission, is, upon conviction of a first violation, guilty of a class A misdemeanor.
  - (b) For a conviction under this Subsection (1), imprisonment shall be for a term not to exceed six months.
- (2)
  - (a) Upon conviction of a second or subsequent violation, an individual is guilty of a third degree felony.
  - (b) Imprisonment for a conviction under this Subsection (2)(a) shall be for a term not to exceed two years.
- (3) An officer or agent of a corporation, a member or agent of a partnership or association, or an individual in a similar position of another type of entity who personally participates in or is an accessory to any violation of this chapter by the entity is subject to the penalties prescribed for an individual.
- (4) If a person receives money or its equivalent, as commission, compensation, or profit by or in consequence of a violation of this chapter, that person is liable for an additional penalty of not less than the amount of the money received and not more than three times the amount of money received, as may be determined by the court. This penalty may be sued for in any court of competent jurisdiction, and recovered by any person aggrieved for the person's own use and benefit.
- (5) A fine imposed by the commission and the director under this chapter shall, notwithstanding Section 13-1-2, be deposited into the Real Estate Education, Research, and Recovery Fund to be used in a manner consistent with the requirements of Part 5, Real Estate Education, Research, and Recovery Fund Act.

Renumbered and Amended by Chapter 379, 2010 General Session