SB24-094

HOUSE FLOOR AMENDMENT

Second Reading   BY REPRESENTATIVE Froelich

1 Amend reengrossed bill, page 14, lines 19 and 20, strike "ONE YEAR" and
2 substitute "THREE YEARS".

3 Page 45, before line 15 insert:

4   "(b) THE COURT MAY MAKE ORDERS OR JUDGMENTS REGARDING
5 A TEMPORARY RESTRAINING ORDER OR INJUNCTION, OR BOTH, THAT THE
6 ATTORNEY GENERAL APPLIES FOR AS AUTHORIZED PURSUANT TO SECTION
7 24-31-115 (8)(a).
8   (c) THE ATTORNEY GENERAL MAY ALSO ACCEPT AN ASSURANCE OF
9 DISCONTINUANCE OF PRACTICES THAT VIOLATE THIS PART 5 PURSUANT TO
10 SECTION 24-31-115 (8)(b).
11   (5) IN ADDITION TO ANY OTHER REMEDIES AUTHORIZED BY LAW,
12 THE ATTORNEY GENERAL MAY SEEK THE IMPOSITION OF CIVIL PENALTIES
13 ON BEHALF OF THE STATE AS FOLLOWS:
14   (a) A PERSON WHO VIOLATES OR CAUSES ANOTHER PERSON TO
15 VIOLATE ANY PROVISION OF THIS PART 5 SHALL FORFEIT AND PAY TO THE
16 GENERAL FUND A CIVIL PENALTY OF NOT MORE THAN TWENTY THOUSAND
17 DOLLARS FOR EACH VIOLATION OF THIS PART 5. FOR PURPOSES OF THIS
18 SUBSECTION (5)(a), A VIOLATION OF ANY PROVISION OF THIS PART 5
19 CONSTITUTES A SEPARATE VIOLATION WITH RESPECT TO EACH TENANT OR
20 OTHER CONSUMER OR TRANSACTION INVOLVED IN THE VIOLATION.
21   (b) (I) A PERSON WHO VIOLATES OR CAUSES ANOTHER PERSON TO
22 VIOLATE ANY COURT ORDER OR INJUNCTION ISSUED PURSUANT TO THIS
23 PART 5 OR SECTION 24-31-115 (8) SHALL FORFEIT AND PAY TO THE
24 GENERAL FUND A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND
25 DOLLARS FOR EACH VIOLATION OF THE COURT ORDER OR INJUNCTION.
26   (II) UPON A VIOLATION OF A COURT ORDER OR INJUNCTION, THE
27 ATTORNEY GENERAL MAY PETITION THE COURT FOR THE RECOVERY OF THE
28 CIVIL PENALTY. THE COURT SHALL ORDER THE CIVIL PENALTY IN ADDITION
29 TO ANY OTHER PENALTY OR REMEDY AVAILABLE FOR THE ENFORCEMENT
30 OF THIS PART 5, ANY COURT ORDER OR INJUNCTION, AND ANY OTHER
31 REMEDY AVAILABLE TO THE ATTORNEY GENERAL.
32   (III) FOR THE PURPOSES OF THIS SECTION, THE COURT ISSUING THE
33 ORDER OR INJUNCTION SHALL RETAIN JURISDICTION, AND THE CAUSE
34 SHALL BE CONTINUED.".

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