

75-1223. Penalties. (a) It shall be a class C misdemeanor for any person to violate any of the provisions of this act.

(b) In addition to any other penalties or remedies provided by this act, the district court, upon application of the attorney general or the county or district attorney, shall have the power and jurisdiction to enjoin any violation of this act. In cases of substantial and willful violations of this act, the district court shall have the power and jurisdiction to enjoin persons from engaging in business in this state.

(c) In any action brought to enforce the provisions of this act, if the court finds that a person is willfully using or has willfully used a method, act or practice declared to be unlawful by this act, the attorney general or county or district attorney, upon petition to the court may recover on behalf of the state, in addition to the criminal penalties provided herein, a civil penalty not exceeding one thousand dollars (\$1,000) per person for each violation.

(d) For the purpose of this section, a willful violation occurs:

(1) If the person committing the violation knew or should have known that his or her conduct consisted of an act or acts which were in violation of this act; or

(2) If a manufacturer has failed to correct a code violation in a mobile home or recreational vehicle subject to this act, within ninety (90) days after being notified in writing of the code violation by the owner of the mobile home or recreational vehicle if such mobile home or recreational vehicle was manufactured after September 1, 1973.

History: L. 1972, ch. 338, § 13; L. 1973, ch. 337, § 8; L. 1978, ch. 336, § 13; L. 1979, ch. 281, § 9; April 13.