

537.6113 Civil actions by administrator.

1. After demand, the administrator may bring a civil action against a person for all amounts of money, other than penalties, which a consumer or class of consumers has a right to recover explicitly granted by [this chapter](#). The court shall order amounts recovered or recoverable under [this subsection](#) to be paid to each consumer or set off against the consumer's obligation. A consumer's action, other than a class action, takes precedence over a prior or subsequent action by the administrator with respect to the claim of that consumer. A consumer's class action takes precedence over a subsequent action by the administrator with respect to claims common to both actions but intervention by the administrator is authorized. An administrator's action on behalf of a class of consumers takes precedence over a consumer's subsequent class action with respect to claims common to both actions. Whenever an action takes precedence over another action under [this subsection](#), the latter action may be stayed to the extent appropriate while the precedent action is pending and dismissed if the precedent action is dismissed with prejudice or results in a final judgment granting or denying the claim asserted in the precedent action. A defense available to a person in a civil action brought by a consumer is available to the person in a civil action brought under [this subsection](#).

2. The administrator may bring a civil action against a person to recover a civil penalty of no more than ten thousand dollars for repeatedly and intentionally violating [this chapter](#). No civil penalty pursuant to [this subsection](#) may be imposed for violations of [this chapter](#) occurring more than two years before the action is brought or for making unconscionable agreements or engaging in a course of fraudulent or unconscionable conduct.

3. The administrator may bring a civil action against a person for failure to file notification in accordance with the provisions on notification in [section 537.6202](#), or to pay fees in accordance with the provisions on fees in [section 537.6203](#), to recover the fees the defendant has failed to pay plus interest at the rate of seven percent per annum and the administrator's reasonable costs in bringing the action, and a civil penalty in an amount determined by the court not exceeding the greater of three times the amount of fees the person has failed to pay or one thousand dollars.

[C75, 77, 79, 81, §537.6113]

[2017 Acts, ch 138, §22](#)

Referred to in [§537.3205](#), [§537.3304](#), [§537.3624](#), [§537.4101](#), [§537.6110](#), [§537.6115](#), [§537.6203](#), [§714.16](#)

Subsection 2 amended