715D.8 Enforcement — penalties.

1. The attorney general shall have exclusive authority to enforce the provisions of this chapter. Whenever the attorney general has reasonable cause to believe that any person has engaged in, is engaging in, or is about to engage in any violation of this chapter, the attorney general is empowered to issue a civil investigative demand. The provisions of section 685.6 shall apply to civil investigative demands issued under this chapter.

2. Prior to initiating any action under this chapter, the attorney general shall provide a controller or processor ninety days' written notice identifying the specific provisions of this chapter the attorney general alleges have been or are being violated. If within the ninety-day period, the controller or processor cures the noticed violation and provides the attorney general an express written statement that the alleged violations have been cured and that no further such violations shall occur, no action shall be initiated against the controller or processor.

3. If a controller or processor continues to violate this chapter following the cure period in subsection 2 or breaches an express written statement provided to the attorney general under that subsection, the attorney general may initiate an action in the name of the state and may seek an injunction to restrain any violations of this chapter and civil penalties of up to seven thousand five hundred dollars for each violation under this chapter. Any moneys collected under this section including civil penalties, costs, attorney fees, or amounts which are specifically directed shall be paid into the consumer education and litigation fund established under section 714.16C.

4. Nothing in this chapter shall be construed as providing the basis for, or be subject to, a private right of action for violations of this chapter or under any other law.

2023 Acts, ch 17, §8, 10
Section effective January 1, 2025; 2023 Acts, ch 17, §10
NEW section