

House Amendment 8169

Amendment Text

PAG LIN

1 1 Amend [House File 2041](#) as follows:
1 2 #1. Page 2, by inserting after line 9 the
1 3 following:
1 4 "Sec. ____ Section [476.57](#), subsection 4, Code
1 5 1999, is amended to read as follows:
1 6 4. CRIMINAL PENALTY. A violation of this section
1 7 is a serious misdemeanor.
1 8 5. CIVIL ENFORCEMENT. A violation of this section
1 9 is a violation of section 714.16, subsection 2,
1 10 paragraph "a". The remedies and penalties provided by
1 11 section 714.16, including but not limited to
1 12 injunctive relief and civil penalties, apply to a
1 13 violation of this section. In seeking reimbursement
1 14 pursuant to section 714.16, subsection 7, from a
1 15 person who has violated this section, the attorney
1 16 general may seek an order from the court that the
1 17 person pay to the attorney general on behalf of
1 18 consumers the amounts for which the person would be
1 19 liable under subsection 6 for each consumer who has a
1 20 cause of action pursuant to subsection 6. Section
1 21 714.16, as it relates to consumer reimbursement,
1 22 applies to amounts recovered by the attorney general
1 23 as reimbursement under this section. However, a
1 24 consumer who is awarded monetary damages pursuant to
1 25 subsection 6 is not eligible for monetary relief under
1 26 this subsection for the same violation.
1 27 6. PRIVATE CIVIL ACTION. A consumer who receives
1 28 a telephonic sales call which fails to comply with
1 29 this section may bring an action against the person or
1 30 entity on whose behalf the telemarketing call was
1 31 placed, to recover both of the following:
1 32 a. The greater of the consumer's actual damages,
1 33 or an amount not less than five hundred dollars but no
1 34 greater than two thousand dollars.
1 35 b. Costs and reasonable attorney fees.
1 36 Sec. ____ DIRECTIONS TO CODE EDITOR. The Code
1 37 editor shall recodify section 476.57, as amended by
1 38 this Act, to be a new section in a new chapter 476B."
1 39 #2. By renumbering as necessary.
1 40
1 41
1 42 _____
1 43 [RAECKER](#) of Polk
1 44 [HF 2041.3](#)04 78
1 45 mj/cf