

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 5189. Penalties and Remedies.

(a) Any person who violates any provision of this Article, or the rules and regulations promulgated under this Article, shall be guilty of a misdemeanor for a first offense punishable by a fine not to exceed \$ 500.00, a term of imprisonment not to exceed one year, or both. For a second or subsequent offense committed within 5 years of a previous conviction for the same offense, a person may be punished by a fine not to exceed \$ 2,000.00, a term of imprisonment not to exceed two years, or both.

(b) Upon his or her own information or upon the complaint of any person, the Attorney General or his or her designee may maintain an action for injunctive relief and also seek a civil penalty not exceeding \$10,000 in the Superior Court against any person who violates any provision of this Article. These remedies are in addition to, and not in substitution for, other available remedies.

(c) If the Attorney General or the Attorney General's designee fails to bring an action as provided under subsection (b), any person may file a civil action to enforce the provisions of this Article and maintain an action for injunctive relief or for such additional relief as may be appropriate to deter, prevent, or compensate for the violation. In order to deter violations of this Article, courts shall not require a showing of the traditional elements for equitable relief. A prevailing plaintiff may be awarded punitive damages, attorney's fees, and costs of bringing an action under this Article.

(d) It is the express intention of the Legislature that remedies for violation of this Article be cumulative.

Source: PL 15-17, § 4 (5178).