

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Froelich

1 Amend the Energy and Environment Committee Report, dated March 25,
2 2019, page 1, strike lines 1 and 2 and substitute:

3 "Amend printed bill, page 2, strike lines 2 through 10.

4 Renumber succeeding sections accordingly."

5 Page 1 of the report, after line 13 insert:

6 "Page 21 of the bill, after line 23 insert:

7 **"6-7.5-110. Penalties - civil action by attorney general.** (1) A
8 PERSON SHALL NOT SELL OR OFFER TO SELL ANY NEW CONSUMER PRODUCT
9 THAT IS REQUIRED TO MEET A STANDARD ESTABLISHED IN THIS ARTICLE
10 7.5 BUT THAT THE PERSON KNOWS DOES NOT MEET THAT STANDARD.

11 (2) WHENEVER THE ATTORNEY GENERAL HAS PROBABLE CAUSE TO
12 BELIEVE THAT ANY PERSON OR GROUP OF PERSONS HAS VIOLATED OR
13 CAUSED ANOTHER TO VIOLATE SUBSECTION (1) OF THIS SECTION, THE
14 ATTORNEY GENERAL MAY BRING A CIVIL ACTION ON BEHALF OF THE STATE
15 TO SEEK THE IMPOSITION OF CIVIL PENALTIES AS FOLLOWS:

16 (a) ANY PERSON WHO VIOLATES OR CAUSES ANOTHER TO VIOLATE
17 SUBSECTION (1) OF THIS SECTION SHALL FORFEIT AND PAY TO THE
18 GENERAL FUND OF THIS STATE A CIVIL PENALTY OF NOT MORE THAN TWO
19 THOUSAND DOLLARS FOR EACH SUCH VIOLATION. FOR PURPOSES OF THIS
20 SUBSECTION (2)(a), A VIOLATION CONSTITUTES A SEPARATE VIOLATION
21 WITH RESPECT TO EACH CONSUMER OR TRANSACTION INVOLVED; EXCEPT
22 THAT THE MAXIMUM CIVIL PENALTY SHALL NOT EXCEED FIVE HUNDRED
23 THOUSAND DOLLARS FOR ANY RELATED SERIES OF VIOLATIONS.

24 (b) ANY PERSON WHO VIOLATES OR CAUSES ANOTHER TO VIOLATE
25 ANY PROVISION OF THIS ARTICLE 7.5, WHERE SUCH VIOLATION WAS
26 COMMITTED AGAINST AN ELDERLY PERSON, SHALL FORFEIT AND PAY TO
27 THE GENERAL FUND OF THE STATE A CIVIL PENALTY OF NOT MORE THAN
28 TEN THOUSAND DOLLARS FOR EACH SUCH VIOLATION. FOR PURPOSES OF
29 THIS SUBSECTION (2)(b), A VIOLATION OF THIS SECTION CONSTITUTES A
30 SEPARATE VIOLATION WITH RESPECT TO EACH ELDERLY PERSON
31 INVOLVED."."

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