

IC 24-9-8

Chapter 8. Penalties and Enforcement

IC 24-9-8-1

Penalties; exception

Sec. 1. A person who knowingly or intentionally violates this article commits:

- (1) a Class A misdemeanor; and
- (2) except for a violation of IC 24-9-3-7(c)(4) by a person required to be licensed by the department of financial institutions, an act that is actionable by the attorney general under IC 24-5-0.5 and is subject to the penalties listed in IC 24-5-0.5.

As added by P.L.73-2004, SEC.33. Amended by P.L.105-2009, SEC.11; P.L.114-2010, SEC.20.

IC 24-9-8-2

Homeowner protection unit

Sec. 2. (a) Beginning July 1, 2005, the attorney general and the attorney general's homeowner protection unit established under IC 4-6-12 shall enforce this article. An action may not be brought under this article more than five (5) years after the occurrence of the violation.

(b) The attorney general may refer a matter under section 1 of this chapter to a prosecuting attorney for enforcement.

As added by P.L.73-2004, SEC.33. Amended by P.L.231-2013, SEC.8.

IC 24-9-8-3

Enforcement actions by attorney general; exception; civil penalty for violation of injunction; jurisdiction of court

Sec. 3. (a) This section does not apply to a violation of IC 24-9-3-7(c)(4) by a person required to be licensed by the department of financial institutions. The attorney general may bring an action to enjoin a violation of this article. A court in which the action is brought may:

- (1) issue an injunction;
- (2) order a person to make restitution;
- (3) order a person to reimburse the state for reasonable costs of the attorney general's investigation and prosecution of the violation of this article; and
- (4) impose a civil penalty of not more than ten thousand dollars (\$10,000) per violation.

(b) A person who violates an injunction under this section is subject to a civil penalty of not more than ten thousand dollars (\$10,000) per violation.

(c) The court that issues an injunction retains jurisdiction over a proceeding seeking the imposition of a civil penalty under this section.

As added by P.L.73-2004, SEC.33. Amended by P.L.105-2009,

SEC.12; P.L.114-2010, SEC.21.

IC 24-9-8-4

Complaints

Sec. 4. The attorney general may file complaints with any of the agencies listed in IC 4-6-12-4 to implement this chapter.

As added by P.L.73-2004, SEC.33.