

February 12, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1161

Page 1, after line 21, insert:

"3. Any person who receives a call in violation of subsection 1 may bring a civil action in a court of this state in the county in which the call recipient resides to enjoin such action, or for damages, or both. If the plaintiff prevails, the court must award the plaintiff the plaintiff's actual damages or damages in an amount not less than five thousand dollars and not more than ten thousand dollars per violation, whichever is greater. Each call is a separate violation under this chapter. The court shall award the plaintiff's costs, expenses, and reasonable attorney's fees. The relief provided in this section is in addition to all remedies available to the attorney general under this chapter in any investigation or action brought by the attorney general against the caller in the plaintiff's private action. This section may not be interpreted to limit any other claims the person may have against the caller or any other claims the attorney general may bring under this chapter, chapter 51-15, or any other state or federal laws."

Page 1, line 22, replace "3." with "4."

Page 1, line 23, after "misdemeanor" insert ", and the venue must be in the county in which the call recipient received the call or the county in which the call recipient resides"

Page 1, line 24, replace "4." with "5."

Renumber accordingly