

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 5121. Civil Penalties.

(a) Any person who violates the terms of an injunction issued under 4 CMC § 5107 shall forfeit and pay to the Commonwealth a civil penalty of not more than \$10,000 per violation. For the purposes of this section, the Commonwealth court issuing an injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the Attorney General, acting in the name of the Commonwealth, may petition for recovery of civil penalties. Where the conduct constituting a violation is of a continuing nature, each day of such conduct is a separate and distinct violation. In determining any amount of the civil penalty under this article, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violations, the nature and persistence of the conduct, the length of time over which the conduct occurred, and the assets, liabilities and net worth of the person, whether corporate or individual.

(b) Any person who violates any provision of this article shall be liable for a civil penalty not to exceed \$2,500 for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the Commonwealth by the Attorney General.

(c) For the purposes of this section, a willful violation occurs when the party committing the violation knew or should have known that his or her conduct was a violation of 4 CMC § 5105.

(d) Upon petition by the Attorney General, the court may, at its discretion, order the dissolution or suspension or forfeiture of franchise or corporate charter of any corporation which violates the terms of any injunction issued under 4 CMC § 5107.

Source: 33 TTC § 363; amended by PL 6-46, § 13, modified.