

2018 Kansas Statutes

50-6,109d. Same; civil action by attorney general; penalty. (a) The attorney general may bring a civil action to:

(1) Obtain a declaratory judgment that an act or practice violates the scrap metal theft reduction act;

(2) enjoin, or to obtain a restraining order against any person who has violated, is violating, or is otherwise likely to violate the scrap metal theft reduction act;

(3) recover reasonable expenses and investigation fees; or

(4) impose any civil penalty authorized by the scrap metal theft reduction act.

(b) In lieu of investigating or continuing an action or proceeding, the attorney general may accept a consent judgment with respect to any act or practice declared to be a violation of the scrap metal theft reduction act.

Before any consent judgment entered into pursuant to this section shall be effective, it must be approved by the district court and an entry made thereof in the manner required for making an entry of judgment. Once such approval is received, any breach of the conditions of such consent judgment shall be treated as a violation of a court order, and shall be subject to all the penalties provided by law.

(c) In any action brought by the attorney general, the court may, without requiring bond of the attorney general:

(1) Make such orders or judgments as may be necessary to prevent the use or employment by a person of any practice declared to be a violation of the scrap metal theft reduction act;

(2) issue a temporary restraining order or enjoin any person from violating the scrap metal theft reduction act;

(3) award reasonable expenses and investigation fees, civil penalties and costs; and

(4) grant other appropriate relief.

(d) The commission of any act or practice declared to be a violation of the scrap metal theft reduction act shall render the violator liable to the state for the payment of a civil penalty, recoverable in an action brought by the attorney general, in a sum of not more than \$5,000 for each violation.

(e) Any person who willfully violates the terms of any court order issued pursuant to the scrap metal theft reduction act shall forfeit and pay a civil penalty of not more than \$10,000 per violation, in addition to other penalties that may be imposed by the court, as the court shall deem necessary and proper. For the purposes of this section, the district court issuing an order shall retain jurisdiction, and in such cases, the attorney general, acting in the name of the state may petition for recovery of civil penalties.

(f) Any act or practice declared to be a violation of the scrap metal theft reduction act which is continuing in nature shall be deemed a separate violation each day such act or practice exists.

(g) This section shall take effect on and after January 1, 2016.

History: L. 2015, ch. 96, § 4; July 1.