

## 30-14-1736, MCA

Current through all 2023 legislation, inclusive of the final Chapter 783 of the 68th Legislature's concluded Regular session.

*LexisNexis® Montana Code Annotated* > *Title 30 Trade and Commerce (Chs. 1 — 23)* > *Chapter 14 Unfair Trade Practices and Consumer Protection (Pts. 1 — 28)* > *Part 17 Impediment of Identity Theft (§§ 30-14-1701 — 30-14-1736)*

### 30-14-1736 Violations — penalties.

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- (1) A person who willfully fails to comply with any requirements imposed in 30-14-1727 through 30-14-1735 with respect to a consumer is liable to that consumer in an amount equal to the sum of:
  - (a) any actual damages sustained by the consumer as a result of the failure or damages of not less than \$ 100 and not more than \$ 1,000; or
  - (b) punitive damages in an amount that the court may allow; and
  - (c) the costs of the action together with reasonable attorney fees as determined by the court in the case of a successful action to enforce liability under this section.
- (2) A person who obtains a credit report or requests a security freeze, the temporary lifting of a security freeze, or the removal of a security freeze from a consumer reporting agency under false pretenses or in an attempt to violate federal or state law is liable to the consumer reporting agency for actual damages sustained by the consumer reporting agency or \$ 1,000, whichever is greater.
- (3) A person who negligently fails to comply with any requirement imposed in 30-14-1727 through 30-14-1735 with respect to any consumer is liable to that consumer in an amount equal to the sum of:
  - (a) any actual damages sustained by the consumer as a result of the failure; and
  - (b) the costs of the action together with reasonable attorney fees as determined by the court in the case of a successful action to enforce liability under this section.
- (4) If a court finds that an unsuccessful pleading, motion, or other paper filed under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party reasonable attorney fees as determined by the court.

### History

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En. Sec. 11, Ch. 138, L. 2007.

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