



201036

LEGISLATIVE ACTION

Senate

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House

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Senator Polsky moved the following:

**Senate Amendment (with title amendment)**

Delete line 134

and insert:

this chapter. Notwithstanding any other provision under part II of this chapter, the department is the sole enforcement entity for violations and remedies under this section.

(9) As a prerequisite to any action available under this section, the department must provide written notice of the alleged violation to the person or entity that issued the advertisement. The person or entity that issued the



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advertisement has 15 days after receipt of the notice to cure  
the violation or discontinue publishing the advertisement. If  
the person or entity that issued the advertisement cures the  
violation or discontinues publication of the advertisement  
within this 15-day period, an action against such person or  
entity may not arise from the noticed violation.

(10) This section may not be construed to create a private  
right of action.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete line 22

and insert:

and unfair trade practices; providing that the  
Department of Legal Affairs is the sole entity  
responsible for enforcement of specified provisions;  
requiring the department to provide written notice of  
alleged violations to the person or entity that issued  
the advertisement; providing such persons or entities  
a specified timeframe to cure the violation or  
discontinue publication of the advertisement;  
providing that an action may not arise from the  
noticed violation if such person or entity cures the  
violation or discontinues the publication within the  
specified timeframe; providing construction;