## § 75-118. Enforcement.

- (a) A person or entity who receives an unsolicited advertisement in violation of this Article may bring any of the following actions in civil court:
  - (1) An action to enjoin further violations of this Article by the person or entity who sent the unsolicited advertisement.
  - (2) An action to recover five hundred dollars (\$500.00) for the first violation, one thousand dollars (\$1,000) for the second violation, and five thousand dollars (\$5,000) for the third and any other violation that occurs within two years of the first violation.
- (b) In an action brought pursuant to this Article, the court may award a prevailing plaintiff reasonable attorneys' fees if the court finds the defendant willfully engaged in the act or practice, and the court may award reasonable attorneys' fees to a prevailing defendant if the court finds that the plaintiff knew, or should have known, that the action was frivolous and malicious.
- (c) Actions brought by a person or entity pursuant to this section shall be tried in the county where the plaintiff resides at the time of the commencement of the action.
- (d) This section shall not be construed to alter or restrict any remedy a person may have under federal law, including the Junk Fax Prevention Act of 2005, against a person or entity who sends an unsolicited advertisement.
  - (e) A violation of G.S. 75-116 is a violation of G.S. 75-1.1. (2006-207, s. 1.)

G.S. 75-118 Page 1