

§319. Penalty

1. Failure to file registration or report. Any person who fails to file a registration or report as required by this chapter is subject to a civil penalty, payable to the commission, of \$100 for every month the person fails to register or is delinquent in filing a report pursuant to section 317. If a registration or report is filed late, the commission shall send a notice of the finding of violation and preliminary penalty. The notice must provide the lobbyist with an opportunity to request a waiver of the preliminary penalty. If a lobbyist files a report required pursuant to section 317 within 24 hours after the deadline, the amount of the preliminary penalty is \$50. The preliminary penalty is increased by \$50 for each successive violation during a lobbying year. The commission may waive the penalty in whole or in part if the commission determines the failure to register or report was due to mitigating circumstances or the penalty is disproportionate to the level of experience of the lobbyist or the harm suffered by the public from the late registration or report. For purposes of this subsection, "mitigating circumstances" means:

A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; [PL 2023, c. 324, §3 (AMD).]

B. An error by the commission; or [PL 2011, c. 179, §7 (NEW).]

C. Circumstances determined by the commission to warrant the waiver of the penalty in whole or in part, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with this chapter, including, but not limited to, unexplained delays in Internet service. [PL 2023, c. 324, §3 (AMD).]

[PL 2023, c. 324, §3 (AMD).]

1-A. Notice of suspension. Any person who fails to file a report or pay a fee as required by this chapter may be suspended from further lobbying by written notice of the commission until such failure is corrected.

[PL 1993, c. 446, Pt. B, §12 (AMD).]

2. Class E crime.

[PL 1979, c. 632, §3 (RP).]

3. Exemption. Notwithstanding section 317, subsection 1, a registered lobbyist is exempt from the penalty imposed under this section if, while the Legislature is convened in special session, the lobbyist failed to file a report with the commission pursuant to section 317 if no lobbying has been performed during that special session.

[PL 1993, c. 446, Pt. B, §13 (AMD).]

SECTION HISTORY

PL 1975, c. 576 (NEW). PL 1975, c. 621, §2 (RP). PL 1975, c. 724 (REEN). PL 1977, c. 696, §17 (AMD). PL 1979, c. 632, §3 (RPR). PL 1989, c. 114 (AMD). PL 1991, c. 465, §2 (AMD). PL 1993, c. 446, §§A15,B11-13 (AMD). PL 1993, c. 691, §22 (AMD). PL 2011, c. 179, §7 (AMD). PL 2023, c. 324, §3 (AMD).

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