

HB 2243 -- CIVIL ACTIONS

SPONSOR: Trent

This bill modifies provisions relating to civil actions for unlawful merchandising practices. A person seeking to recover damages for unlawful merchandising practices must establish that the person acted as a reasonable consumer and that the alleged unlawful act caused the person to enter into the transaction that resulted in damage. The person must also establish the individual damages with sufficiently definitive and objective evidence to allow the loss to be calculated with a reasonable degree of certainty. A court may dismiss a claim for failure to show a likelihood that the alleged unlawful act would mislead a reasonable consumer.

In addition to current damages available, a court may provide equitable relief as it deems necessary to protect the party from the unlawful acts. No action may be brought as specified in this bill to recover damages for personal injury or death. Furthermore, this bill provides that any award of attorneys' fees shall bear a reasonable relationship to the amount of the judgment.

This bill is the same as SB 727 (2020).