

# ARKANSAS SENATE

88th General Assembly - Regular Session, 2011

## Amendment Form

\*\*\*\*\*

### Subtitle of Senate Bill No. 164

TO CLARIFY THAT RELIANCE IS NOT AN ELEMENT OF PROOF IN DECEPTIVE AND  
UNCONSCIONABLE TRADE PRACTICES ACTIONS.

\*\*\*\*\*

### Amendment No. 2 to Senate Bill No. 164

Amend Senate Bill No. 164 as originally introduced:

Page 3, delete lines 8 through 12 and substitute the following:

“(f) ~~Any~~ A person who suffers actual damage or injury as a result of an offense or violation as defined in this chapter:

(1) ~~has~~ Has a cause of action to recover actual damages, if appropriate, and reasonable attorney’s fees-; and

(2) Shall provide written notice to the Consumer Counsel within the office of the Attorney General within thirty (30) days of filing suit under this subchapter.

(g)(1) Except as provided in subdivision (g)(2) of this section, if a product has no commercial value or benefit proof of reliance upon a deceptive or unconscionable trade practice described in § 4-88-107 is not required to obtain the relief authorized by this chapter.

(2) Subdivision (g)(1) of this section does not apply to a person or product that is subject to regulation by or the approval of a regulatory body of this state or the United States.”



The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator J. Hutchinson  
DLP/DLP - 02/23/11 10:53  
DLP101

\_\_\_\_\_  
Secretary