

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1742

5 By: Representatives Rushing, M. Gray
6 By: Senators Hester, Standridge
7

For An Act To Be Entitled

9 AN ACT CONCERNING A CIVIL ACTION INVOLVING A
10 DECEPTIVE TRADE PRACTICE; TO DEFINE THE MEASURE OF
11 DAMAGES IN A CASE INVOLVING A DECEPTIVE TRADE
12 PRACTICE; AND FOR OTHER PURPOSES.
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Subtitle

15 CONCERNING A CIVIL ACTION INVOLVING A
16 DECEPTIVE TRADE PRACTICE; AND TO DEFINE
17 THE MEASURE OF DAMAGES IN A CASE
18 INVOLVING A DECEPTIVE TRADE PRACTICE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 4-88-102, concerning definitions applied to
25 deceptive trade practices, is amended to add an additional subdivision to
26 read as follows:

27 (9) "Actual financial loss" means an ascertainable amount of
28 money that is equal to the difference between the amount paid by a person for
29 goods or services and the actual market value of the goods or services
30 provided to a person.
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32 SECTION 2. Arkansas Code § 4-88-113(f), concerning the damages
33 available as the result of an offense or violation of a deceptive trade
34 practice prohibition, is amended to read as follows:

35 (f)(1) Any A person who suffers actual damage or injury an actual
36 financial loss as a result of an offense or violation as defined in this



1 ~~chapter has a cause of action~~ his or her reliance on the use of a practice
 2 declared unlawful by this chapter may bring an action individually, but not
 3 representing another party, to recover actual damages, if appropriate, and
 4 his or her actual financial loss proximately caused by the offense or
 5 violation, as defined in this chapter.

6 (2) To prevail on a claim brought under this subsection, a
 7 claimant must prove individually that he or she suffered an actual financial
 8 loss proximately caused by his or her reliance on the use of a practice
 9 declared unlawful under this chapter.

10 (3) A court may award reasonable attorney's fees.

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 12 SECTION 3. Arkansas Code Title 4, Chapter 88, Subchapter 1, is amended
 13 to add an additional section to read as follows:

14 4-88-116. Right to jury trial.

15 Any party in an action brought under § 4-88-113(f) shall have the right
 16 to a jury trial if the action was pending or filed on or after the effective
 17 date of this act.