1	State of Arkansas	As Engrossed: H3/9/17	
2	91st General Assembly	A B1ll	
3	Regular Session, 2017		HOUSE BILL 1742
4			
5	By: Representatives Rushing, M. Gray		
6	By: Senators Hester, Standric	lge	
7			
8	For An Act To Be Entitled		
9		NCERNING A CIVIL ACTION INVOLVING A	
10	DECEPTIVE	TRADE PRACTICE; TO DEFINE THE MEASU	RE OF
11	DAMAGES IN A CASE INVOLVING A DECEPTIVE TRADE		
12	PRACTICE;	AND FOR OTHER PURPOSES.	
13			
14			
15		Subtitle	
16		ERNING A CIVIL ACTION INVOLVING A	
17		PTIVE TRADE PRACTICE; AND TO DEFINE	
18		MEASURE OF DAMAGES IN A CASE	
19	INVO	LVING A DECEPTIVE TRADE PRACTICE.	
20			
21			
22	BE IT ENACTED BY THE (GENERAL ASSEMBLY OF THE STATE OF ARK	ANSAS:
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24		ansas Code § 4-88-101(3), concerning	
25		ing deceptive trade practices, is am	ended to read as
26	follows:		
27		ons or transactions <u>specifically</u> per	
28	-	nsurance Commissioner, the Securitie	
29		ion, the Bank Commissioner, or other	
30	C	statutory authority of this state or	
31		these divisions specifically request	s the Attorney
32	General to implement a	the powers of this chapter; or"	
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34		ansas Code § 4-88-102, concerning de	
35		ices, is amended to add an additiona	L subdivision to
36	read as follows:		



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1	(9) "Actual financial loss" means an ascertainable amount of
2	money that is equal to the difference between the amount paid by a person for
3	goods or services and the actual market value of the goods or services
4	provided to a person.
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6	SECTION 3. Arkansas Code § 4-88-113(f), concerning the damages
7	available as the result of an offense or violation of a deceptive trade
8	practice prohibition, is amended to read as follows:
9	(f) <u>(l)</u> Any <u>A</u> person who suffers actual damage or injury <u>an actual</u>
10	financial loss as a result of an offense or violation as defined in this
11	chapter has a cause of action <u>his or her reliance on the use of a practice</u>
12	declared unlawful by this chapter may bring an action individually, but not
13	representing another party, to recover actual damages, if appropriate, and
14	his or her actual financial loss proximately caused by the offense or
15	violation, as defined in this chapter.
16	(2) To prevail on a claim brought under this subsection, a
17	claimant must prove individually that he or she suffered an actual financial
18	loss proximately caused by his or her reliance on the use of a practice
19	declared unlawful under this chapter.
20	(3) A court may award reasonable attorney's fees.
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22	SECTION 4. Arkansas Code Title 4, Chapter 88, Subchapter 1, is amended
23	to add an additional section to read as follows:
24	4-88-116. Right to jury trial.
25	Any party in an action brought under § 4-88-113(f) shall have the right
26	to a jury trial if the action was pending or filed on or after the effective
27	date of this act.
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29	/s/Rushing
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