

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1462

By: Representative Gazaway

## For An Act To Be Entitled

AN ACT CONCERNING DAMAGES IN A CIVIL ACTION INVOLVING  
A DECEPTIVE TRADE PRACTICE; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING DAMAGES IN A CIVIL ACTION  
INVOLVING A DECEPTIVE TRADE PRACTICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 4-88-101(3), concerning the applicability of the chapter governing deceptive trade practices, is amended to read as follows:

(3) Actions or transactions specifically permitted under laws administered by the Insurance Commissioner, the Securities Commissioner, the State Highway Commission, the Bank Commissioner, or other regulatory body or officer acting under statutory authority of this state or the United States, unless a director of these divisions ~~specifically~~ requests the Attorney General to implement the powers of this chapter; or

SECTION 2. Arkansas Code § 4-88-102(9), concerning the definition "actual financial loss" as used for deceptive trade practices, is repealed.

~~(9) "Actual financial loss" means an ascertainable amount of money that is equal to the difference between the amount paid by a person for goods or services and the actual market value of the goods or services provided to a person.~~

SECTION 3. Arkansas Code § 4-88-113(f), concerning the damages



available as the result of an offense or violation of a deceptive trade practice prohibition, is amended to read as follows:

(f)(1)(A) A person who suffers ~~an actual financial loss~~ actual damage or injury as a result of ~~his or her reliance on the use of a practice declared unlawful by this chapter may bring an action~~ an offense or violation as defined in this chapter has a cause of action to recover ~~his or her actual financial loss proximately caused by the offense or violation, as defined in this chapter~~ actual damages, if appropriate, and award reasonable attorney's fees.

~~(B) A private class action under this subsection is prohibited unless the claim is being asserted for a violation of Arkansas Constitution, Amendment 89.~~

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

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

SECTION 4. Arkansas Code § 4-88-116 is repealed.

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

~~Any party in an action brought under § 4-88-113(f) shall have the right to a jury trial if the action was pending or filed on or after August 1, 2017.~~