

2012 -- S 2676

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LC00195
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS -
DECEPTIVE TRADE PRACTICES

Introduced By: Senators Miller, Perry, Lynch, Nesselbush, and Jabour

Date Introduced: March 01, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 6-13.1-4 of the General Laws in Chapter 6-13.1 entitled "Deceptive
2 Trade Practices" is hereby amended to read as follows:

3 **6-13.1-4. Exemptions.** – (a) Nothing in this chapter shall apply to actions or transactions
4 permitted under laws administered by the department of business regulation or other regulatory
5 body or officer acting under statutory authority of this state or the United States.

6 (b) Notwithstanding subsection 6-13.1-4(a), if a consumer's claim is otherwise a
7 violation of the provisions of this chapter and a state regulatory body does not have the statutory
8 authority to obtain reimbursement, restitution or compensation on behalf of the aggrieved
9 consumer, the attorney general shall have the authority to proceed pursuant to this chapter,
10 including, but not limited to, filing a complaint in superior court for damages or injunctive relief
11 on behalf of the consumer. In order for the attorney general to take such action, the consumer
12 must file a formal complaint with the attorney general's consumer protection unit. It shall be the
13 attorney general's burden of proof to show that the state regulatory body does not have the
14 statutory authority to award or authorize reimbursement, restitution or compensation with respect
15 to the consumer complaint concerning a particular action or transaction. The attorney general may
16 rely on the original decision of the state regulatory body as evidence of violation of this chapter.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would give the attorney general supplemental jurisdiction under the deceptive
2 trade practices act where the regulatory agency does not have the authority to award a consumer
3 reimbursement, restitution or compensation with respect to a consumer's claim.

4 This act would take effect upon passage.

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