

2001 SESSION

INTRODUCED

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SENATE BILL NO. 1095

Offered January 10, 2001

Prefiled January 10, 2001

A BILL to amend the Code of Virginia by adding in Article 7 of Chapter 15 of Title 46.2 a section numbered 46.2-1573.01, relating to damages caused by statutory violations.

Patrons—Mims and Williams

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 7 of Chapter 15 of Title 46.2 a section numbered 46.2-1573.01 as follows:

§ 46.2-1573.01. Recovery of damages.

A. Subject to the provisions of subsection B, any licensed dealer, manufacturer, factory branch or distributor or subsidiary thereof injured in its business or property which injury was caused by a violation of any provision of this article may recover actual damages court costs and reasonable attorney's fees sustained as a result of such violation. Upon a finding that the violation was willful, the plaintiff shall be entitled to recover an amount not in excess of three times the amount of the actual damages sustained.

B. No proceeding hereunder shall be commenced prior to a final determination by the Commissioner that the statutory violation occurred. The statute of limitations applicable to any action filed pursuant to this section shall be tolled pending any such determination by the Commissioner, including any appeals therefrom.

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