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1	**SENATE BILL NO. 912**
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the Senate Committee for Courts of Justice
4	on February 7, 2005)
5	(Patron Prior to Substitute—Senator Norment)

6 *A BILL to amend and reenact § 59.1-204 of the Code of Virginia, relating to the Virginia Consumer*
7 *Protection Act.*
8 **Be it enacted by the General Assembly of Virginia:**
9 **1. That § 59.1-204 of the Code of Virginia is amended and reenacted as follows:**
10 § 59.1-204. Individual action for damages or penalty.
11 A. Any person who suffers loss as the result of a violation of this chapter shall be entitled to initiate
12 an action to recover actual damages, or $500, whichever is greater. If the trier of fact finds that the
13 violation was willful, it may increase damages to an amount not exceeding three times the actual
14 damages sustained, or $1,000, whichever is greater.
15 B. Notwithstanding any other provision of law to the contrary, in addition to any damages awarded,
16 such person also may be awarded reasonable ~~attorney's~~ *attorneys'* fees and court costs.
17 C. No cure offer shall be admissible in any proceeding initiated under this section, unless the cure
18 offer is delivered by a supplier to the person claiming loss or to any attorney representing such person,
19 prior to the filing of the supplier's initial responsive pleading in such proceeding. If the cure offer is
20 timely delivered by the supplier, then the supplier may introduce the cure offer into evidence at trial.
21 The supplier shall not be liable for such person's ~~attorney's~~ *attorneys'* fees and court costs incurred
22 following delivery of the cure offer unless the actual damages found to have been sustained and
23 awarded, without consideration of ~~attorney's~~ *attorneys'* fees and court costs, exceed the value of the cure
24 offer.
25 *D. In any action which the parties desire to settle all matters in dispute, the issue of whether the*
26 *plaintiff shall be awarded reasonable attorneys' fees and court costs in accordance with subsection B*
27 *may be tendered to the court for consideration of the amount of such an award, if any.*