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**SENATE BILL NO. 485**

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend the Code of Virginia by adding in Article 2 of Chapter 5 of Title 2.2 a section numbered 2.2-517.1 and by adding a section numbered 3.2-114.1, relating to the powers of the Office of the Attorney General and Office of Consumer Affairs; investigations and injunctions of violations of consumer laws.*

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Patron—Hurt

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Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 2 of Chapter 5 of Title 2.2 a section numbered 2.2-517.1 and by adding a section numbered 3.2-114.1, as follows:**

*§ 2.2-517.1. Power of Attorney General to investigate and enjoin violation of consumer laws.*

*A. In addition to any other powers granted to the Office of the Attorney General, upon receipt of a referral from the Office of Consumer Affairs pursuant to § 3.2-114.1, the Attorney General is authorized to investigate the alleged illegal, fraudulent, deceptive or dangerous practice that is identified in the referral. Upon investigating the matter referred and determining that such action is appropriate, the Office of the Attorney General is authorized to apply, in the name of the Commonwealth, to the circuit court of the city or county in which a violation of law has occurred or is occurring, to issue an order enjoining and restraining any such person from engaging in or continuing any such violation, or from doing any act or acts in furtherance thereof. If it appears to the satisfaction of the court or judge that the defendant has, in fact, violated such law, an injunction may be issued by such court or judge enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby and notwithstanding the existence of an adequate remedy at law. In any action brought by the Attorney General by virtue of the authority granted in this section, the Attorney General shall be entitled to seek reasonable attorney's fees and costs.*

*B. Whenever the Attorney General has reasonable cause to believe that any person has engaged in, is engaging in, or is about to engage in, any violation of a provision of law identified in a referral from the Office of Consumer Affairs pursuant to § 3.2-114.1, the Attorney General is empowered to issue a civil investigative demand. The provisions of § 59.1-201 shall apply mutatis mutandis to civil investigative demands issued pursuant to this section.*

*§ 3.2-114.1. Investigation of complaints of violations of consumer laws; referral to Attorney General.*

*Upon investigating complaints by the Commonwealth's consumers of any illegal, fraudulent, deceptive, or dangerous practice that is subject to regulation or enforcement by the Office, and determining that such an illegal, fraudulent, deceptive, or dangerous practice has occurred or is occurring and may constitute a violation of law, the Office is authorized to refer the information to the Attorney General and request the Office of Attorney General to investigate such matter and, if appropriate, to seek injunctive relief as provided in § 2.2-517.1.*

INTRODUCED

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