

LD0570164

## HOUSE BILL NO. 1212

House Amendments in [ ] — February 14, 1994

A *BILL to amend and reenact § 59.1-204 [ and 59.1-207 ] of the Code of Virginia, relating to the Virginia Consumer Protection Act; relief permitted; attorney's fees.*

Patron—Copeland

Referred to Committee on General Laws

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

**1. That § 59.1-204 [ and 59.1-207 ] of the Code of Virginia is amended and reenacted as follows:**

§ 59.1-204. Individual action for damages or penalty.

A. Any person who suffers loss as the result of a violation of § 59.1-200 shall be entitled to (i) initiate an action to recover actual damages, or \$100, whichever is greater, or (ii) *seek injunctive relief from the appropriate circuit court.*

B. Notwithstanding any other provision of law to the contrary, in addition to any damages awarded, such person also may be awarded reasonable attorney's fees *based on hourly rates, expert witness fees, [ all reasonable expenses of litigation, ]* and [ *taxable* ] court costs.

[ § 59.1-207. Unintentional violations.

A. In any case arising under this chapter, no liability shall be imposed upon a supplier who shows by a preponderance of the evidence (i) that the act or practice alleged to be in violation of § 59.1-200 was an act or practice of the manufacturer or distributor to the supplier over which the supplier had no control, or (ii) that the alleged violation resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid a violation; provided, however, that nothing in this section shall prevent the court from ordering restitution to individuals aggrieved as a result of an unintentional violation of § 59.1-200.

B. *Notwithstanding any other provision of law to the contrary, such aggrieved individuals, upon petition to the court, may also be awarded reasonable attorney's fees based on hourly rates, expert witness fees, all reasonable expenses of litigation, and court costs.*

C. *The Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town may recover, upon petition to the court, reasonable attorney's fees for the preparation of cases subject to the provisions of this section. Such expenses and attorney's fees shall be paid into the general fund of the Commonwealth or of the county, city, or town which such attorney represented. ]*

ENGROSSED

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