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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **3560**

March 9, 2010

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The bill was read for the first time and referred to the Committee on Civil Justice

1.1 A bill for an act  
1.2 relating to civil actions; limiting private remedies for violations of certain  
1.3 unlawful business practices statutes; amending Minnesota Statutes 2008, section  
1.4 8.31, subdivision 3a, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 8.31, subdivision 3a, is amended to read:

1.7 Subd. 3a. **Private remedies.** In addition to the remedies otherwise provided by law  
1.8 and subject to subdivision 3d, any person injured by a violation of any of the laws referred  
1.9 to in subdivision 1 may bring a civil action and recover damages, together with costs  
1.10 and disbursements, including costs of investigation and reasonable attorney's fees, and  
1.11 receive other equitable relief as determined by the court. The court may, as appropriate,  
1.12 enter a consent judgment or decree without the finding of illegality. In any action brought  
1.13 by the attorney general pursuant to this section, the court may award any of the remedies  
1.14 allowable under this subdivision.

1.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.16 Sec. 2. Minnesota Statutes 2008, section 8.31, is amended by adding a subdivision to  
1.17 read:

1.18 Subd. 3d. **Private remedies for Unlawful Trade Practices Act, Prevention of**  
1.19 **Consumer Fraud Act, False Statement in Advertisement Act.** Civil actions pursuant to  
1.20 subdivision 3a for violations of the Unlawful Trade Practices Act (sections 325D.09 to  
1.21 325D.16), Prevention of Consumer Fraud Act (sections 325F.68 to 325F.70), or the False  
1.22 Statement in Advertisement Act (section 325F.67) or other laws against false or fraudulent  
1.23 advertising may be brought only by natural persons who purchase or lease goods, services,

2.1 or real estate for personal, family, or household purposes. Each such person seeking to  
2.2 recover damages for violations of these sections, either in an individual action, a class  
2.3 action, or any other type of action, is required to plead and prove on an individual basis  
2.4 that the deceptive act or practice caused the person to enter into the transaction that  
2.5 resulted in the damages. No award of damages in an action covered by this subdivision  
2.6 may be made without proof that the person or persons seeking damages suffered an actual  
2.7 out-of-pocket loss. The term "out-of-pocket loss" means an amount of money equal to the  
2.8 difference between the amount paid by the consumer for the good or service and the actual  
2.9 market value of the good or service that the consumer actually received.

2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.