

STATE OF NEW YORK

6070

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. JACOBS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to damage awards in class action proceedings involving deceptive acts or practices

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision (h) of section 349 of the general business
2 law, as amended by chapter 157 of the laws of 1984, is amended to read
3 as follows:

4 (h) In addition to the right of action granted to the attorney general
5 pursuant to this section, any person who has been injured by reason of
6 any violation of this section may bring an action in his or her own name
7 to enjoin such unlawful act or practice, an action to recover his or her
8 actual damages or fifty dollars, whichever is greater, or both such
9 actions. In any class action filed pursuant to this section, the court
10 may award the members of the class only actual damages as suffered by
11 each member of the class resulting from a violation of this section. The
12 fifty dollar minimum recovery as provided by this subdivision shall not
13 apply to each individual member of the class. The court may, in its
14 discretion, increase the award of damages to an amount not to exceed
15 three times the actual damages up to one thousand dollars, if the court
16 finds the defendant willfully or knowingly violated this section. The
17 court may award reasonable attorney's fees to a prevailing plaintiff.

18 § 2. This act shall take effect on the one hundred eightieth day after
19 it shall have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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