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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS -
DECEPTIVE TRADE PRACTICES

Introduced By: Senator Joshua Miller

Date Introduced: April 12, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 6-13.1-4 of the General Laws in Chapter 6-13.1 entitled "Deceptive
2 Trade Practices" is hereby amended to read as follows:

3 **6-13.1-4. Exemptions.** – (a) Nothing in this chapter shall apply to actions or transactions
4 permitted under laws administered by the department of business regulation or other regulatory
5 body or officer acting under statutory authority of this state or the United States.

6 (b) Notwithstanding subsection (a), if a consumer's claim is otherwise a violation of the
7 provisions of this chapter and a state regulatory body does not have the statutory authority to
8 obtain reimbursement, restitution or compensation on behalf of an aggrieved consumer, the
9 attorney general shall have the authority to proceed pursuant to this chapter, including, but not
10 limited to, filing a complaint in superior court for damages or injunctive relief on behalf of the
11 consumer. In order for the attorney general to take such action, the consumer must file a formal
12 complaint with the attorney general's consumer protection unit. It shall be the attorney general's
13 burden of proof to show that the state regulatory body does not have the statutory authority to
14 award or authorize reimbursement, restitution or compensation with respect to the consumer's
15 complaint concerning a particular action or transaction. The attorney general may rely on the
16 original decision of the state regulatory body as evidence of violation of this chapter.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS -
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1 This act would give the department of attorney general supplemental jurisdiction under
2 the Deceptive Trade Practices Act where the regulatory agency does not have the authority to
3 award a consumer reimbursement, restitution or compensation with respect to a consumer's claim.

4 This act would take effect upon passage.

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