

SENATE BILL 847

By Black

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 18, relative to consumer protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-109(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Each person seeking to recover damages for an unfair or deceptive act or practice declared to be unlawful by this part shall be required to prove that the deceptive act or practice caused the person to enter into the transaction that resulted such damages. Proof of a violation of this part shall not support an award of damages without proof that the person seeking damages suffered an actual out-of-pocket loss. The term "out-of-pocket loss" means an amount of money equal to the difference between the amount paid by the consumer for the good or service and the actual market value of the good or service that the consumer actually received. The actual market value of the good or service that the consumer actually received shall be the market price of the good or service that is most nearly comparable to what the plaintiff actually received, if evidence of a comparable good or service is presented, with appropriate adjustments to reflect differences between the comparable good or service and the good or service actually received.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.