

HB 1332 – AS INTRODUCED

2014 SESSION

14-2544
05/04

HOUSE BILL **1332**

AN ACT relative to monetary judgments in class action civil suits under the Consumer Protection Act.

SPONSORS: Rep. Timothy Smith, Hills 17

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill provides that, in a class action civil suit for damages under RSA 358-A, the consumer protection act, the amount of monetary damages awarded shall be the actual monetary loss of each class member or an average if a loss amount cannot be determined for individual members.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to monetary judgments in class action civil suits under the Consumer Protection Act.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Regulation of Business Practices for Consumer Protection; Monetary Judgment in Class Action
2 Civil Suit. Amend RSA 358-A:10-a, X(a) to read as follows:

3 X.(a) The judgment in an action maintained as a class action, whether or not favorable to the
4 class, shall include and describe those to whom notice was directed, and whom the court finds to be
5 members of the class and, in an action in which a money judgment is sought, shall not affect the
6 rights of any person who was not included through use of the judgment by way of collateral estoppel
7 or otherwise. In an action in which a money judgment is sought and which is determined in favor of
8 the members of the class, after proof by each member of the existence and extent of that member's
9 actual monetary damage, judgment shall be entered stating the amount awarded to each such
10 member, ***which shall be equal to the actual monetary loss incurred by each member, except***
11 ***that an average may be used if the amount of loss cannot be determined for individual***
12 ***members.*** ~~and~~ The total amount of damages assessed against the defendant shall not exceed the
13 aggregate of the total amount awarded to each such member plus legal expenses and costs as
14 awarded by the court.

15 2 Effective Date. This act shall take effect January 1, 2015.