

ASSEMBLY, No. 2457

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

By Assemblyman BAGGER

1 AN ACT permitting the Attorney General to recover costs in certain
2 consumer fraud actions and amending P.L. 1971, c. 247.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 7 of P.L.1971, c. 247 (C.56:8-19) is amended to read as
8 follows:

9 7. Any person who suffers any ascertainable loss of moneys or
10 property, real or personal, as a result of the use or employment by
11 another person of any method, act, or practice declared unlawful
12 under this act or the act hereby amended and supplemented may bring
13 an action or assert a counterclaim therefor in any court of competent
14 jurisdiction. In any action under this section the court shall, in
15 addition to any other appropriate legal or equitable relief, award
16 threefold the damages sustained by any person in interest. In all
17 actions under this section, including those brought by the Attorney
18 General, the court shall also award reasonable attorneys' fees, filing
19 fees and reasonable costs of suit.

20 (cf: P.L.1971, c.247, s.7)

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22 2. This act shall take effect immediately.

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STATEMENT

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27 This bill amends current law to allow the State to recover
28 reasonable costs of suit, including attorneys' and filing fees, for
29 successful actions brought by the Attorney General under the
30 consumer fraud law. While currently the court may award costs of
31 suit to private litigants who successfully sue under this law, the State
32 must absorb its court costs regardless of the outcome of a case.

33 The Division of Consumer Affairs currently spends \$12.5 million
34 annually on protecting consumer rights and investigating consumer

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 complaints, including \$1.0 million on court costs directly related to the
2 enforcement of the consumer fraud law. This bill would provide the
3 State with the same opportunity for recovery of such costs as is
4 afforded to private litigants by making violators of the law potentially
5 liable for actions brought on behalf of the public by the Attorney
6 General.

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11 Permits Attorney General to recover costs in certain consumer fraud
12 actions.