

1 SB78
2 173283-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 07-FEB-17

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8 SYNOPSIS: Under existing law, an action or practice
9 that is a violation of the Deceptive Trade
10 Practices Act must be brought within one year from
11 the violation or practice.

12 This bill would provide that an action for a
13 violation of the Deceptive Trade Practices Act must
14 be brought within four years from the act or
15 practice which constitutes a violation of the act.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 To amend Section 8-9-14, Code of Alabama 1975,
22 relating to the Deceptive Trade Practices Act; to provide that
23 an action for a violation of the act must be brought within
24 four years from the act or practice which constitutes a
25 violation of the act.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 8-19-14, Code of Alabama 1975, is
2 amended to read as follows:

3 "§8-19-14.

4 "No action may be brought under this chapter more
5 than ~~one year after the person bringing the action discovers~~
6 ~~or reasonably should have discovered the act or practice which~~
7 ~~is the subject of the action, but in no event may any action~~
8 ~~be brought under this chapter more than four years from the~~
9 ~~date of the transaction giving rise to the cause of action~~
10 ~~unless the contract or warranty is for more than three years.~~
11 ~~If the contract or warranty is for more than three years, no~~
12 ~~action may be brought more than one year from the expiration~~
13 ~~date of the contract or warranty or more than one year four~~
14 ~~years after the person bringing the action discovered or~~
15 ~~reasonably should have discovered the act or practice which is~~
16 ~~the subject of the action, whichever occurs first."~~

17 Section 2. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.