



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

[West's Tennessee Code Annotated](#)

[Title 47. Commercial Instruments and Transactions](#)

[Chapter 18. Consumer Protection \(Refs & Annos\)](#)

[Part 21. Identity Theft Deterrence](#)

T. C. A. § 47-18-2104

§ 47-18-2104. Private rights of action

Effective: August 5, 2013

[Currentness](#)

(a) Any party commencing a private action pursuant to this part must provide a copy of the complaint and all other initial pleadings to the division of consumer affairs and upon entry of any judgment, order or decree of the action, shall mail a copy of such judgment, order or decree to the division of consumer affairs within five (5) days of entry of the judgment, order or decree.

(b) A copy of any notice of appeal shall be served by the appellant upon the director of the division, who in the public interest may intervene.

(c) A private action to enforce any liability created under this part may be brought within two (2) years from the date the liability arises, except that where a defendant has concealed the liability to that person, under this part, the action may be brought within two (2) years after discovery by the person of the liability. No action brought by the division shall be subject to the limitation of actions contained herein.

(d) In any private action commenced under this part, if the private party establishes that identity theft was engaged in willfully or knowingly, the court may award three (3) times the actual damages and may provide such other relief as it considers necessary and proper.

(e) The action may be brought in a court of competent jurisdiction in the county where the identity theft or unfair, deceptive or misleading act or practice took place, is taking place, or is about to take place, or in the county in which such person resides, has such person's principal place of business, conducts, transacts, or has transacted business, or, if the person cannot be found in any of the foregoing locations, in the county in which such person can be found.

(f) Without regard to any other remedy or relief to which a person is entitled, anyone affected by a violation of this part may bring an action to obtain a declaratory judgment that the act or practice violates this part and to enjoin the person who has violated, is violating, or who is otherwise likely to violate this part; provided, that such action shall not be filed once the

division has commenced a proceeding pursuant to this part or the Tennessee Consumer Protection Act.

(g) Upon a finding by the court that a provision of this part has been violated, the court may award to the person bringing such action reasonable attorneys' fees and costs.

Credits

[1999 Pub.Acts, c. 201, § 5, eff. May 19, 1999.](#)

T. C. A. § 47-18-2104, TN ST § 47-18-2104

Current with laws from the 2016 Second Reg. Sess., eff. through February 1, 2016

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