

MAR 10 2004
Place On Calendar

HOUSE FILE 2534
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 531)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to consumer fraud violations, including the
2 creation of a private remedy for consumer fraud violations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2534

HOUSE FILE 2534

H-8219

- 1 Amend House File 2534 as follows:
- 2 1. Page 3, by striking line 23 and inserting the
- 3 following: "action to recover actual damages. The
- 4 action shall be tried to the court in equity. The
- 5 court may order".
- 6 2. Page 4, line 14, by striking the words "a
- 7 preponderance of the" and inserting the following:
- 8 "clear and convincing".
- 9 3. By renumbering as necessary.

By EICHORN of Hamilton

H-8219 FILED MARCH 10, 2004

1 Section 1. Section 714.16, subsection 2, paragraph a,
2 unnumbered paragraph 4, Code 2003, is amended to read as
3 follows:

4 "Material fact" as used in this subsection does not include
5 repairs of damage to or adjustments on or replacements of
6 parts with new parts of otherwise new merchandise if the
7 repairs, adjustments, or replacements are made to achieve
8 compliance with factory specifications and are made before
9 sale of the merchandise at retail and the actual cost of any
10 labor and parts charged to or performed by a retailer for any
11 such repairs, adjustments, and parts does not exceed three
12 hundred dollars or ten percent of the actual cost to a
13 retailer including freight of the merchandise, whichever is
14 less, providing or if the retailer is a motor vehicle dealer
15 licensed to sell new motor vehicles under chapter 322 and the
16 actual cost of labor and parts does not exceed four percent of
17 the retail price of the motor vehicle suggested by the
18 manufacturer, provided that the seller posts in a conspicuous
19 place notice that repairs, adjustments, or replacements will
20 be disclosed upon request, and also provided that the retailer
21 discloses in writing to a buyer or lessee at or before the
22 time of sale or lease any damage exceeding three thousand
23 dollars, ten percent of the actual cost to a retailer
24 including freight, or four percent of the manufacturer's
25 suggested price of a motor vehicle, whichever is applicable.
26 The exemption provided in this paragraph does not apply to the
27 concealment, suppression or omission of a material fact if the
28 purchaser or lessee requests disclosure of any repair,
29 adjustment or replacement.

30 Sec. 2. NEW SECTION. 714F.1 TITLE.

31 This chapter shall be known and may be cited as the
32 "Private Remedy for Consumer Fraud Act".

33 Sec. 3. NEW SECTION. 714F.2 DEFINITIONS.

34 1. "Advertisement" means the same as defined in section
35 714.16.

1 2. "Agricultural merchandise" means merchandise sold to be
2 used in the production of agricultural, horticultural,
3 viticultural, or dairy products; of livestock, wildlife,
4 poultry, bees, or fish, or products thereof; or of any and all
5 products raised or produced on farms.

6 3. "Consumer" means any of the following:

7 a. A natural person or the person's legal representative.

8 b. A partnership, corporation, company, trust, business
9 entity or association, political association as defined in
10 section 13C.1, religious organization as defined in section
11 13C.1, public or nonpublic school, college, university, or a
12 fraternal benefit society as defined in section 512B.3.

13 4. "Consumer merchandise" means merchandise offered for
14 sale, lease, or rental, or sold, leased, or rented, primarily
15 for personal, family, or household purposes, agricultural
16 merchandise, and office supplies and services.

17 5. "Deception" means an act or practice which would be
18 likely to mislead a consumer acting reasonably under the
19 totality of the circumstances giving due consideration to all
20 relevant factors.

21 6. "Material fact" means the same as defined in section
22 714.16.

23 7. "Merchandise" means the same as defined in section
24 714.16.

25 8. "Office supplies and services" means any goods, or
26 services incident to the use of such goods, including but not
27 limited to supplies and equipment and promotional advertising,
28 to be used in the operation of any office. "Office supplies
29 and services" does not include goods or services purchased for
30 the purpose of resale.

31 9. "Person" means the same as defined in section 714.16.

32 10. "Sale" means any sale or offer for sale of consumer
33 merchandise for cash or credit.

34 11. "Unfair practice" means the same as defined in section
35 714.16.

1 Sec. 4. NEW SECTION. 714F.3 PROHIBITED PRACTICES.

2 1. A person shall not engage in a practice that the person
3 knows or reasonably should know is an unfair practice,
4 deception, fraud, false pretense, false promise, or
5 misrepresentation, or that constitutes the concealment,
6 suppression, or omission of a material fact with the intent
7 that others rely upon the concealment, suppression, or
8 omission, in connection with the advertisement, sale, lease,
9 or rental of consumer merchandise or the solicitation of
10 contributions for charitable purposes.

11 2. A person shall not engage in any practice that is in
12 violation of any of the following:

13 a. Chapter 126.

14 b. Section 321.69.

15 c. Chapter 516D.

16 d. Chapter 555A.

17 e. Section 714.16, subsection 2, paragraphs "b" through
18 "n".

19 f. Chapter 714A.

20 Sec. 5. NEW SECTION. 714F.4 PRIVATE CAUSE OF ACTION.

21 1. A consumer who suffers damage or injury as the result
22 of a practice declared to violate this chapter may bring an
23 action at law to recover actual damages. The court may order
24 such equitable relief as it deems necessary to protect the
25 public from further violations, including temporary and
26 permanent injunctive relief.

27 2. The court shall award to a prevailing consumer costs
28 and reasonable attorney fees. Reasonable attorney fees shall
29 be determined by the value of the time reasonably expended by
30 the attorney including, but not limited to, the following:

31 a. The time and labor required.

32 b. The novelty and difficulty of the legal issues.

33 c. The skill level necessary to perform the legal service.

34 d. The preclusion of employment by the attorney due to the
35 acceptance of the case.

- 1 e. The customary fee.
- 2 f. Whether the fee is fixed or contingent.
- 3 g. The time limitations imposed by the client or the
- 4 circumstances of the case.
- 5 h. The amount of money involved in the case and the
- 6 results obtained.
- 7 i. The experience, reputation, and ability of the
- 8 attorneys involved in the case.
- 9 j. The feasibility of the case.
- 10 k. The nature and length of the professional relationship
- 11 with the client.

12 l. Award amounts in similar cases.

13 3. Any claim under this section shall be required to be

14 proved by a preponderance of the evidence.

15 4. Reimbursement awarded to the attorney general pursuant

16 to section 714.16 on behalf of a plaintiff who has filed an

17 action pursuant to this section concerning the same set of

18 facts shall be deducted from any damages awarded to the

19 plaintiff in an action filed under this section.

20 5. Court interpretations of this chapter shall have no

21 effect on court interpretations of actions by the state

22 pursuant to section 714.16.

23 6. This section shall not affect a consumer's right to

24 seek relief under any other theory of law.

25 Sec. 6. NEW SECTION. 714F.5 CLASS ACTIONS BARRED.

26 A class action lawsuit alleging violations of this chapter

27 shall not be available. This section shall not affect a

28 consumer's right to bring or participate in a class action

29 lawsuit under any other theory, and shall not affect a right

30 to joinder of claims or parties.

31 Sec. 7. NEW SECTION. 714F.6 ATTORNEY GENERAL

32 NOTIFICATION.

33 1. Except for appeals in small claims court described in

34 subsection 2, a party filing a claim, counterclaim, or other

35 petition alleging a violation under this chapter shall provide

1 a copy of the petition to the attorney general and, within
2 seven days following entry of any final judgment in the
3 action, shall provide a copy of the judgment to the attorney
4 general.

5 2. In an appeal from small claims court to district court
6 involving an issue raised under this chapter, the party
7 raising the claim or counterclaim shall provide a copy of the
8 notice of appeal, the petition, and the small claims order to
9 the attorney general within seven days of the filing of the
10 notice of appeal from small claims court. Upon application to
11 the court wherein the matter is pending, the attorney general
12 may intervene as a party at any time, or may be heard at any
13 time. The attorney general's failure to intervene as a party
14 or otherwise participate in the action shall not preclude any
15 later action by the attorney general.

16 3. The party appealing an order or judgment shall provide
17 a copy of the notice of appeal to the attorney general within
18 seven days following the date such notice is filed with the
19 court. An appeal shall not be docketed until proof of mailing
20 of the notice of appeal to the attorney general has been filed
21 in the supreme court in accordance with subsection 4. Upon
22 application to the appellate court wherein the matter is
23 pending, the attorney general may intervene as a party at any
24 time or may be heard at any time.

25 4. All copies of petitions, pleadings, judgments, and
26 notices of appeal shall be sent by certified mail to the
27 attorney general and shall be accompanied by a written
28 statement identifying the copied document as pertaining to an
29 action under this section. Proof of mailing may be by
30 affidavit or return receipt. Failure to provide the required
31 copies to the attorney general shall not be grounds for
32 dismissal of an action under this section.

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EXPLANATION

34 This bill relates to consumer fraud violations, including
35 the creation of a private remedy for consumer fraud Act

1 violations.

2 The bill amends the definition of "material fact", an
3 element of a consumer fraud violation currently enforced by
4 the attorney general, to exclude a retailer who is a motor
5 vehicle dealer licensed to sell new motor vehicles under Code
6 chapter 322 (motor vehicle manufacturers, distributors, and
7 dealers) and the actual cost of labor and parts does not
8 exceed 4 percent of the retail price of the motor vehicle
9 suggested by the manufacturer, and if the retailer discloses
10 in writing to a buyer or lessee at or before the time of sale
11 or lease any damage exceeding \$3,000, 10 percent of the actual
12 cost to a retailer including freight costs, or 4 percent of
13 the manufacturer's suggested price of a motor vehicle,
14 whichever is applicable.

15 The bill creates a private cause of action for consumer
16 fraud violations. The bill provides that a consumer who
17 suffers damage or injury as a result of a prohibited practice
18 declared to violate the bill may bring an action at law to
19 recover actual damages, and may seek court protection from
20 further violations, including temporary and permanent
21 injunctive relief. In addition, a prevailing consumer in such
22 an action may be awarded costs and reasonable attorney fees.

23 The bill defines a prohibited practice to include a
24 practice a person knows or reasonably should know is an unfair
25 practice, deception, fraud, false pretense, false promise, or
26 misrepresentation, or that constitutes the concealment,
27 suppression, or omission of a material fact with the intent
28 that others rely on the concealment, suppression, or omission,
29 in connection with the advertisement, sale, lease, or rental
30 of consumer merchandise or the solicitation of contributions
31 for charitable purposes. The bill provides certain additional
32 definitions, and applies the same amended definition of
33 "material fact" previously stated.

34 The bill authorizes the attorney general to oversee private
35 consumer fraud actions, including small claims court actions,

1 by requiring a party filing a claim, counterclaim, or other
2 petition alleging a violation under the bill to provide a copy
3 of the relevant documents, including judgments and notices of
4 appeal, to the attorney general. In addition, the attorney
5 general may intervene as a party in a private consumer fraud
6 action at any time, or may be heard in such an action at any
7 time.

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Dennis, Ch
Baudler
Swaim

SF 2534

HSB 531
JUDICIARY

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY
GENERAL BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act creating a private cause of action for certain consumer
2 fraud violations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 714.16, subsection 1, Code 2003, is
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. aa. "Agricultural merchandise" means
4 merchandise sold to be used in the production of agricultural,
5 horticultural, viticultural, and dairy products; livestock,
6 wildlife, poultry, bees, fish, and products thereof; and any
7 and all products raised or produced on farms.

8 NEW PARAGRAPH. ia. "Nonprofit organization" means a
9 charitable organization, a political organization, or a
10 religious organization as defined in section 13C.1; a
11 nonprofit corporation as defined in section 504A.2; a public
12 or nonpublic school, college, or university; or a fraternal
13 benefit society as defined in section 512B.3.

14 NEW PARAGRAPH. ib. "Office supplies and services" means
15 any goods, or services incident to the use of such goods,
16 including but not limited to supplies and equipment and
17 promotional advertising, to be used in the operation of any
18 office, including but not limited to offices of any business,
19 home business, or nonprofit organization, or of any farm, but
20 shall not include goods or services purchased for the purpose
21 of resale.

22 Sec. 2. Section 714.16, subsection 7, Code 2003, is
23 amended to read as follows:

24 7. a. (1) A Unless otherwise provided, a civil action
25 pursuant to this section shall be by equitable proceedings.
26 If it appears to the attorney general that a person has
27 engaged in, is engaging in, or is about to engage in a
28 practice declared to be unlawful by this section, the attorney
29 general may seek and obtain in an action in a district court a
30 temporary restraining order, preliminary injunction, or
31 permanent injunction prohibiting the person from continuing
32 the practice or engaging in the practice or doing an act in
33 furtherance of the practice. The court may make orders or
34 judgments as necessary to prevent the use or employment by a
35 person of any prohibited practices, or which are necessary to

1 restore to any person in interest any moneys or property, real
 2 or personal, which have been acquired by means of a practice
 3 declared to be unlawful by this section, including the
 4 appointment of a receiver in cases of substantial and willful
 5 violation of this section. If a person has acquired moneys or
 6 property by any means declared to be unlawful by this section
 7 and if the cost of administering reimbursement outweighs the
 8 benefit to consumers or consumers entitled to the
 9 reimbursement cannot be located through reasonable efforts,
 10 the court may order disgorgement of moneys or property
 11 acquired by the person by awarding the moneys or property to
 12 the state to be used by the attorney general for the
 13 administration and implementation of this section. Except in
 14 an action for the concealment, suppression, or omission of a
 15 material fact with intent that others rely upon it, it is not
 16 necessary in an action for reimbursement or an injunction, to
 17 allege or to prove reliance, damages, intent to deceive, or
 18 that the person who engaged in an unlawful act had knowledge
 19 of the falsity of the claim or ignorance of the truth. A
 20 claim for reimbursement may be proved by any competent
 21 evidence, including evidence that would be appropriate in a
 22 class action.

23 (2) In addition to the remedies otherwise provided for in
 24 ~~this-subsection~~ subparagraph (1), the attorney general may
 25 request and the court may impose a civil penalty not to exceed
 26 forty thousand dollars per violation against a person found by
 27 the court to have engaged in a method, act, or practice
 28 declared unlawful under this section; provided, however, a
 29 course of conduct shall not be considered to be separate and
 30 different violations merely because the conduct is repeated to
 31 more than one person. In addition, on the motion of the
 32 attorney general or its own motion, the court may impose a
 33 civil penalty of not more than five thousand dollars for each
 34 day of intentional violation of a temporary restraining order,
 35 preliminary injunction, or permanent injunction issued under

1 authority of this section. A penalty imposed pursuant to this
2 subsection subparagraph is in addition to any penalty imposed
3 pursuant to section 537.6113. Civil penalties ordered
4 pursuant to this subsection subparagraph shall be paid to the
5 treasurer of state to be deposited in the general fund of the
6 state.

7 b. (1) Any person or nonprofit organization may bring an
8 action at law to recover actual damages, if the person or
9 nonprofit organization purchases, leases, or rents merchandise
10 for personal, family, or household purposes, agricultural
11 merchandise, office supplies or services, or a business
12 opportunity as defined in section 523B.1, regardless of the
13 dollar amount of initial investment; or is solicited for
14 charitable contributions, and suffers the loss of any moneys
15 or property, real or personal, as the result of a practice
16 declared to be unlawful by this section or by another section,
17 the violation of which is declared to violate this section.
18 The court may order such equitable relief as it deems
19 necessary to protect the public from further violations,
20 including temporary and permanent injunctive relief. A
21 prevailing plaintiff shall also be entitled to reasonable
22 attorney fees and the costs of bringing the action. Except in
23 an action for the concealment, suppression, or omission of a
24 material fact with intent that others rely upon it, it is not
25 necessary in an action for damages or an injunction, to allege
26 or to prove reliance, intent to deceive, or that the person
27 who engaged in the unlawful act had knowledge of the falsity
28 of the claim or ignorance of the truth. If the fact finder
29 finds that the use of a practice declared to be unlawful by
30 this section was willful, punitive damages may be awarded to a
31 prevailing plaintiff.

32 (2) Within seven days following commencement of any action
33 brought under subparagraph (1), the plaintiff shall provide a
34 copy of the petition to the attorney general and, within seven
35 days following entry of any final judgment in the action,

1 shall provide a copy of the judgment to the attorney general.
2 In addition, the party appealing an order or judgment issued
3 in any action brought under subparagraph (1) shall provide a
4 copy of the notice of appeal to the attorney general within
5 seven days following the date such notice is filed with the
6 court. All copies of petitions, judgments, and notices of
7 appeal shall be sent by certified mail and shall be
8 accompanied by a written statement identifying the copied
9 document as pertaining to an action under this paragraph.
10 Failure to provide the required copies to the attorney general
11 shall not be grounds for dismissal of an action under this
12 paragraph. However, no final judgment shall be entered until
13 the attorney general files notice that the attorney general
14 will not participate as a party to the proceeding or until at
15 least sixty days have passed since the petition was mailed to
16 the attorney general by the plaintiff or on behalf of the
17 plaintiff as shown by the proof of mailing on file in the
18 case. An appeal shall not be docketed until proof of mailing
19 of the notice of appeal to the attorney general has been filed
20 in the supreme court. The attorney general may intervene as a
21 party at any time within sixty days of receiving a copy of a
22 petition as set forth above, or may be heard at any point in
23 any judicial proceeding pursuant to this paragraph. The
24 attorney general's failure to intervene as a party or
25 otherwise participate in the action shall not preclude any
26 later action by the attorney general. Reimbursement awarded
27 to the attorney general pursuant to paragraph "a",
28 subparagraph (1), on behalf of a plaintiff who has filed an
29 action pursuant to subparagraph (1) of this paragraph,
30 concerning the same set of facts shall be deducted from any
31 damages awarded to the plaintiff in an action filed under this
32 paragraph.

33 c. Any claim made under this section shall be required to
34 be proved by a preponderance of the evidence.

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EXPLANATION

1 This bill amends Code section 714.16 to provide a private
2 cause of action for violations of the consumer fraud Act.

3 The bill provides that a consumer fraud victim who is a
4 person or nonprofit organization who purchases, leases, or
5 rents merchandise for personal, family, or household purposes,
6 agricultural merchandise, office supplies or services, or
7 certain business opportunities, or who is solicited for
8 charitable contributions, may bring a civil action and be
9 awarded actual damages, attorney fees, costs, injunctive
10 relief, and punitive damages for willful violations.

11 The bill further authorizes the attorney general to oversee
12 private consumer fraud actions by permitting the attorney
13 general to intervene within 60 days of receipt of a petition
14 or be heard at any point in any private proceeding. The bill
15 assists the attorney general in monitoring private actions by
16 requiring private parties to provide copies of petitions,
17 judgments, decrees, and notices of appeal.

18 The bill prevents double recoveries for consumers by
19 providing that any money recovery for a consumer in an action
20 by the attorney general is deducted from any money recovery by
21 the consumer in a private action.

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THOMAS J. MILLER
ATTORNEY GENERAL

Department of Justice

ADDRESS REPLY TO:
HOOVER BUILDING
DES MOINES, IOWA 50319
TELEPHONE 515/281-5164
FACSIMILE 515/281-4209

MEMORANDUM

TO: Members of the General Assembly
FROM: Brian Meyer, Legislative Liaison, Iowa Attorney General's Office
DATE: December 18, 2003
SUBJECT: Background Statement for Private Right of Action for Consumer Fraud

When Arkansas enacted a private cause of action for consumer fraud in 1999, Iowa was left as the only state in the nation where citizens cannot file a lawsuit for consumer fraud. The Iowa Attorney General's office is submitting a bill request for legislation creating a private cause of action for consumer fraud.

Current consumer remedies are not adequate: The Consumer Fraud Act, section 714.16, specifically authorizes only the Attorney General to enforce the section via civil law enforcement actions. The Iowa Supreme Court recognized in a 1989 opinion that the legislature created the Consumer Fraud Act because the protection afforded consumers by the common law was generally ineffective. Recent years have seen an unprecedented increase in the incidence of consumer fraud in Iowa and elsewhere due to the advent of new markets such as for deregulated telecommunication services, and new means of communication, such as the Internet. The Attorney General's office has five attorneys assigned to handle consumer protection litigation. Yet we receive thousands of complaints every year from consumers. Due to resource limits, it is not possible for our office to pursue all cases to the extent that all consumers get the relief they deserve. Without a private cause of action under the Consumer Fraud Act, consumers are often left with only an action for common law fraud, wherein they must prove intent and reliance, neither of which are required to be proven under the Consumer Fraud Act, as well as other elements. Proving common law fraud presents evidentiary hurdles most consumers will be unable to overcome. Thus, consumers end up having a substantially harder time proving a fraud case than does the Attorney General against the very same scams. The areas most-commonly affected by the lack of a private remedy include new and used car sales, auto repairs, predatory lending, home improvements, charitable scams, bogus travel packages and many others.

Often we must suggest consumers contact private attorneys to address their problem. Unfortunately, we know that many consumers who receive this advice are not able to find adequate representation because of the lack of adequate remedies and economic reality. A consumer fraud victim who suffers a monetary loss that devastates her finances is not likely to be able to afford the services of a private attorney to pursue a claim for common law fraud without the possibility of obtaining attorney fees if she wins. Vulnerable consumers have too few options in Iowa. This not only hurts consumers, but it results in unfair competition for businesses who wish to "play by the rules." All too often they feel forced to engage in the very practices they

sought to avoid due to competitive pressures. In addition, scam artists may be well aware of the lack of private remedies in Iowa and may target Iowans accordingly. Moreover, the inadequacy of resources to address the problems means that there is inadequate deterrence to unfair and deceptive practices. A private remedy is part of the answer. A private remedy will act to "level the playing field."

Consumers are not the only victims of consumer fraud who need private remedies: A variety of scams target farmers, small businesses, offices of health care and other professionals, and non-profits like charitable organizations and churches. These include misleading advertisements for merchandise used by farmers in agricultural production, bogus "Yellow Pages" bills for promotional advertising, fraudulent bills or solicitations for supplies like copy machine toner, and others. The Attorney General's office has taken action against such scams under the Consumer Fraud Act but, like consumer cases, lacks sufficient resources to address all cases. These victims also deserve private remedies.

Private remedies exist for some of the more specific Iowa consumer protection laws but victims of most frauds lack adequate remedies: A number of more specific Iowa consumer protection laws already provide private remedies. These include laws dealing with telephone long distance slamming and telephone bill cramming, fraudulent prize promotion schemes, identity theft, some consumer credit violations such as unlawful debt collection practices, unsolicited Internet "spam," misleading practices by physical exercise clubs and membership campgrounds, and a few others.

Private remedies under these laws have been useful in providing needed protections to consumers while apparently causing no negative impact on the affected industries. However, for most consumer complaints, private remedies are not available. Examples where private remedies are not available include complaints about car repairs, some car sales practices (excluding odometer fraud and some credit-related practices), home improvements and repairs, purchases of various retail goods like appliances and electronics, fraudulent charitable solicitations, rental car practices, door to door sales violations, health fraud, pyramid schemes, and many, many more. Iowa's history of providing private remedies in a piecemeal fashion is unfair because it benefits only consumers in very specific situations, leaves out consumers in many other situations, and doesn't address scams that target farmers, small businesses and non-profit organizations. It is time for Iowa to catch up with the other 49 states and provide private remedies for consumer fraud, in general.

The bill preserves the attorney general's essential role under the Consumer Fraud Act: The Attorney General currently interprets the Act through rulemaking, consumer education and enforcement. The bill recognizes the need for the Attorney General to oversee development of caselaw under the section by permitting the Attorney General to intervene at any point in any private proceeding. The bill further facilitates the Attorney General's capacity to monitor private actions by requiring copies of petitions, judgments or decrees, and notices of appeal in private actions to be provided to the Attorney General by the parties.

Iowa's status as the only state without private remedies benefits only those who defraud our

consumers, farmers, businesses, and non-profit organizations. Iowa's status as a state with a very high percentage of our population aged 65 or over also means that our citizens are often targeted more frequently for certain scams. While the Attorney General's office has successfully prosecuted hundreds of cases of consumer fraud over the years, under no conceivable set of circumstances will our office have adequate resources to provide sufficient remedies to all consumers. No other state relies only on the Attorney General to act against consumer fraud. While the Attorneys General of the other 49 states actively pursue consumer fraud cases, all of those other states have recognized that private remedies are also necessary. At the same time, our office is not aware of complaints that the existence of private remedies has unduly hampered business. To the contrary, it is our understanding that the availability of private remedies has served to supplement the role of the Attorney General, creating a more effective deterrent to consumer fraud and a fairer, more competitive marketplace.