

1 (2) Notwithstanding any law to the contrary, in order
2 to maintain a class action seeking monetary relief, the class
3 must allege and prove actual damages. In any such class
4 action, the monetary recovery shall be limited to the amount
5 of actual damages. Nothing in this section shall be construed
6 to limit or restrict the ability of the Attorney General to
7 bring a class action for the recovery of statutory penalties,
8 if otherwise authorized by law. However, class action
9 claimants may seek to obtain, if appropriate, nonmonetary
10 relief, including injunctive relief and orders or declaratory
11 relief and orders or judgments enjoining wrongful conduct,
12 regardless of whether the class action claimants can prove any
13 actual monetary damages. Nothing in this section shall be
14 construed to in any way limit or restrict the availability of
15 such nonmonetary relief.

16 Section 2. This act shall take effect July 1, 2005.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 Senate Bill 2564

21 The committee substitute removes provisions from the
22 underlying bill which would have required notice to a
23 defendant and an opportunity to cure alleged misconduct during
24 a 60-day period before a lawsuit is filed seeking class
25 status.
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