

367.930 Action in Circuit Court -- Attorney's fees -- Effect of judgment -- Statute of limitations.

- (1) Any person who purchases a health spa membership or enters into a contract to purchase a health spa membership and thereby suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by another person or corporation of an act or practice declared unlawful by KRS 367.905 to 367.920 may bring an action pursuant to the Rules of Civil Procedure in the Circuit Court in which the seller resides or has his principal place of business or is doing business, or in the Circuit Court in which the purchaser of the membership resides, or where the transaction occurred, to recover actual damages. The court may award such equitable relief as it deems necessary or proper. Nothing in this section shall be construed to limit a person's right to seek punitive damages where appropriate.
- (2) In any action brought by a person under this section, the court may award, to the prevailing party, in addition to the relief provided in this section, reasonable attorney's fees and costs.
- (3) Any permanent injunction, judgment, or order of the court made under KRS 367.925 shall be prima facie evidence in an action under this section that the respondent used or employed a method, act, or practice declared unlawful by KRS 367.905 to 367.930.
- (4) Any person bringing an action under this section must bring such an action within one (1) year after any action of the Attorney General has been terminated or within two (2) years after the violation of this section is discovered, whichever is later.

Effective: July 15, 1982

History: Created 1982 Ky. Acts ch. 298, sec. 7, effective July 15, 1982.