

**41-1a-1008.5 Private cause of action.**

- (1) Any owner who is not a manufacturer, dealer, motor vehicle auction, or consignor to a motor vehicle auction not licensed under Section 41-3-201 and who violates Section 41-1a-1005.3 is liable to the purchaser for:
  - (a) actual damages if the purchaser elects to retain the salvage vehicle, or the value of the consideration paid for the salvage vehicle if the purchaser elects rescission;
  - (b) the costs of the action and reasonable attorney fees;
  - (c) up to three times the value of the actual damages or the consideration as exemplary damages; and
  - (d) other equitable relief, including rescission and restitution, the court determines to be proper in addition to damages and costs.
- (2) Actual damages include:
  - (a) the difference between the actual market value of the salvage vehicle or nonconforming vehicle at the time of purchase and the contract price;
  - (b) towing;
  - (c) repair;
  - (d) storage expenses;
  - (e) rental of substitute transportation;
  - (f) food and lodging expenses;
  - (g) lost wages;
  - (h) finance charges;
  - (i) sales or use tax;
  - (j) other governmental fees;
  - (k) lease charges; and
  - (l) other incidental and consequential damages.
- (3) The remedies provided in this section are not exclusive but are in addition to any other remedies provided by law.

Enacted by Chapter 463, 2013 General Session