

**CONSUMER PROTECTION ACT STATUTE OF
LIMITATION BEGINS AT TIME OF LOSS, NOT AT
DISCOVERY OF ILLEGAL ACT.**

A consumer purchased a vehicle from an automobile dealership. After he agreed to buy the vehicle and without disclosing the fee to him, the automobile dealership added a \$200 documentation preparation fee in the final sale paperwork. More than two years later, the consumer discovered that it was illegal for car dealerships to charge document preparation fees. He filed a class action alleging that the automobile dealership routinely breached AS 45.50.471(b)(43) of the Unfair Trade Practices and Consumer Protection Act by charging fees and costs not included in a vehicle's advertised sale price. The automobile dealership moved to dismiss, arguing that the consumer's claim was barred by the two-year statute of limitations under

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AS 45.50.531(f). On review of the judgment of dismissal, the court, in deciding an issue of first impression, held that the consumers claim was time-barred because the two-year limitations period under AS 45.50.531(f) began to run when a plaintiff discovered, or reasonably should have discovered, that the dealership's conduct caused a loss and not when the plaintiff discovered that the conduct was illegal.

Weimer v. Continental Care and Truck, LLC, 237 P.3d 610 (Alaska 2010).

Legislative review is recommended to determine whether the court correctly interpreted the statute of limitation trigger.