

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5531**

61st Legislature  
2009 Regular Session

Passed by the Senate April 19, 2009  
YEAS 29 NAYS 17

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**President of the Senate**

Passed by the House April 8, 2009  
YEAS 59 NAYS 39

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5531** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5531**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Regala, Keiser, Kohl-Welles, Kauffman, Kline, Oemig, Pridemore, Tom, and Franklin)

READ FIRST TIME 02/25/09.

1            AN ACT Relating to modifying provisions relating to consumer  
2 protection act violations; amending RCW 19.86.090; adding a new section  
3 to chapter 19.86 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 19.86.090 and 2007 c 66 s 2 are each amended to read  
6 as follows:

7            Any person who is injured in his or her business or property by a  
8 violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or  
9 19.86.060, or any person so injured because he or she refuses to accede  
10 to a proposal for an arrangement which, if consummated, would be in  
11 violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, may  
12 bring a civil action in ((the)) superior court to enjoin further  
13 violations, to recover the actual damages sustained by him or her, or  
14 both, together with the costs of the suit, including a reasonable  
15 attorney's fee(~~,~~ and)). In addition, the court may, in its  
16 discretion, increase the award of damages up to an amount not to exceed  
17 three times the actual damages sustained: PROVIDED, That such  
18 increased damage award for violation of RCW 19.86.020 may not exceed  
19 ((ten)) twenty-five thousand dollars: PROVIDED FURTHER, That such

1 person may bring a civil action in the district court to recover his or  
2 her actual damages, except for damages which exceed the amount  
3 specified in RCW 3.66.020, and the costs of the suit, including  
4 reasonable attorney's fees. The district court may, in its discretion,  
5 increase the award of damages to an amount not more than three times  
6 the actual damages sustained, but such increased damage award shall not  
7 exceed (~~the amount specified in RCW 3.66.020~~) twenty-five thousand  
8 dollars. For the purpose of this section, "person" (~~shall~~) includes  
9 the counties, municipalities, and all political subdivisions of this  
10 state.

11 Whenever the state of Washington is injured, directly or  
12 indirectly, by reason of a violation of RCW 19.86.030, 19.86.040,  
13 19.86.050, or 19.86.060, it may sue therefor in (~~the~~) superior court  
14 to recover the actual damages sustained by it, whether direct or  
15 indirect, and to recover the costs of the suit including a reasonable  
16 attorney's fee.

17 NEW SECTION. Sec. 2. A new section is added to chapter 19.86 RCW  
18 to read as follows:

19 In a private action in which an unfair or deceptive act or practice  
20 is alleged under RCW 19.86.020, a claimant may establish that the act  
21 or practice is injurious to the public interest because it:

- 22 (1) Violates a statute that incorporates this chapter;
- 23 (2) Violates a statute that contains a specific legislative  
24 declaration of public interest impact; or
- 25 (3)(a) Injured other persons; (b) had the capacity to injure other  
26 persons; or (c) has the capacity to injure other persons.

27 NEW SECTION. Sec. 3. This act applies to all causes of action  
28 that accrue on or after the effective date of this act.

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