

RCW 19.86.140 Civil penalties. Every person who shall violate the terms of any injunction issued as in this chapter provided, shall forfeit and pay a civil penalty of not more than \$125,000.

Every person who violates RCW 19.86.030 or 19.86.040 shall pay a civil penalty of up to three times the unlawful gains or loss avoided as a result of each violation.

Every person who violates RCW 19.86.020 shall forfeit and pay a civil penalty of not more than \$7,500 for each violation: PROVIDED, That nothing in this paragraph shall apply to any radio or television broadcasting station which broadcasts, or to any publisher, printer or distributor of any newspaper, magazine, billboard or other advertising medium who publishes, prints or distributes, advertising in good faith without knowledge of its false, deceptive or misleading character.

For unlawful acts or practices that target or impact specific individuals or communities based on demographic characteristics including, but not limited to, age, race, national origin, citizenship or immigration status, sex, sexual orientation, presence of any sensory, mental, or physical disability, religion, veteran status, or status as a member of the armed forces, as that term is defined in 10 U.S.C. Sec. 101, an enhanced penalty of \$5,000 shall apply.

For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

With respect to violations of RCW 19.86.030 and 19.86.040, the attorney general, acting in the name of the state, may seek recovery of such penalties in a civil action.

By December 1, 2022, and every five years thereafter, the office of the attorney general shall evaluate the efficacy of the maximum civil penalty amounts established in this section in deterring violations of the consumer protection act and the difference, if any, between the current penalty amounts and the penalty amounts adjusted for inflation, and provide the legislature with a report of its findings and any recommendations in compliance with RCW 43.01.036. [2024 c 256 s 2; 2021 c 228 s 2; 1983 c 288 s 2; 1970 ex.s. c 26 s 7; 1961 c 216 s 14.]

Findings—2024 c 256: "The legislature finds that:

(1) Strong penalties for antitrust violations are critical to protecting consumers;

(2) Strong penalties for antitrust violations ensure accountability, deter violations, and provide a level playing field and a fair marketplace for businesses;

(3) As of June 6, 2024, Washington does not provide strong enough penalties to adequately deter unlawful anticompetitive business practices;

(4) Washington's penalty for antitrust violations has also not kept pace with inflation;

(5) Washington's civil penalties for antitrust violations are much lower than the harm antitrust violations may cause;

(6) Washington's weak penalties place Washington consumers and businesses at greater risk; and

(7) Washingtonians deserve strong antitrust penalties to ensure entities that unlawfully engage in anticompetitive behavior are held accountable." [2024 c 256 s 1.]

Short title—2024 c 256: "This act shall be known and cited as the antitrust penalties improvement act." [2024 c 256 s 3.]

Findings—2021 c 228: "The legislature finds that:

- (1) Strong consumer protection and antitrust penalties are critical to protecting consumers and ensuring a fair marketplace;
- (2) Strong penalties ensure accountability, deter violations, and ensure a level playing field for businesses;
- (3) Washington currently does not provide strong penalties for violations of the state's consumer protection act, which prohibits unfair or deceptive acts or practices and unfair methods of competition;
- (4) Washington's penalty for unfair or deceptive acts or practices has not kept pace with inflation, and has not increased since 1970;
- (5) Washington's penalty for unfair methods of competition has also not kept pace with inflation, and has not increased since 1983;
- (6) Consequently, Washington has one of the lowest consumer protection penalties in the United States;
- (7) Twenty-four state legislatures representing more than 200 million Americans have passed enhanced penalties for violations that target or impact certain vulnerable populations, but Washington does not have an enhanced penalty;
- (8) Many Washingtonians are hurting financially due to the impacts of the global pandemic;
- (9) Washington's weak penalties place Washington consumers at greater risk; and
- (10) Washingtonians deserve strong consumer protections to ensure entities that illegally, unfairly, and deceptively go after their hard-earned dollars are held accountable." [2021 c 228 s 1.]

Short title—2021 c 228: "This act may be known and cited as the consumer protection improvement act." [2021 c 228 s 4.]

Short title—Purposes—1983 c 288: See note following RCW 19.86.090.