

SENATE BILL REPORT

SB 5688

AS OF FEBRUARY 25, 1991

Brief Description: Creating a consumer protection commission.

SPONSORS: Senator Talmadge.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Jack Brummel (786-7428)

Hearing Dates: February 26, 1991

BACKGROUND:

The Legislature enacted the Consumer Protection Act in 1961. The act generally prohibits "unfair methods of competition and unfair or deceptive practices in the conduct of any trade or commerce." It allows suits to be brought in superior court and authorizes treble damages and the award of reasonable attorney's fees. The responsibility for enforcing the act rests with the Office of the Attorney General.

SUMMARY:

The Washington State Consumer Protection Commission is created. The commission consists of five members appointed by the Governor. The commission is authorized to exercise quasi-prosecutorial and quasi-judicial functions pertaining to consumer complaints. In addition the commission may conduct technical studies, sponsor seminars and educational programs, issue publications, and create advisory agencies and councils. The commission may hire its own attorneys rather than use the services of the Attorney General.

Orders of the commission may be appealed to superior court. Violations of commission cease and desist orders may result in a civil fine of up to \$5,000. Interference with the commission's work or the willful violation of an order of the commission is a misdemeanor.

It is unlawful to aid or encourage the violation of consumer protection laws or to discriminate against individuals because they have opposed a violation of consumer protection laws.

In civil actions for damages for violations of the Consumer Protection Act, proof of public interest or public injury is not required. The damage award allowed for unfair competition or practices is raised to \$25,000.

Appropriation: none

Revenue: none

Fiscal Note: requested February 25, 1991