

---

SENATE BILL 6405

---

State of Washington

56th Legislature

2000 Regular Session

By Senators Kline, Brown, Thibaudeau, Bauer, Franklin, Kohl-Welles and Benton

Read first time 01/14/2000. Referred to Committee on Commerce, Trade, Housing & Financial Institutions.

1 AN ACT Relating to damage awards for unfair business practices; and  
2 amending RCW 19.86.090.

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

4 **Sec. 1.** RCW 19.86.090 and 1987 c 202 s 187 are each amended to  
5 read as follows:

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

1 which exceed the amount specified in RCW 3.66.020, and the costs of the  
2 suit, including reasonable attorney's fees. The district court may, in  
3 its discretion, increase the award of damages to an amount not more  
4 than three times the actual damages sustained, but such increased  
5 damage award shall not exceed the amount specified in RCW 3.66.020.  
6 For the purpose of this section "person" shall include the counties,  
7 municipalities, and all political subdivisions of this state.

8 Whenever the state of Washington is injured by reason of a  
9 violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, it may  
10 sue therefor in the superior court to recover the actual damages  
11 sustained by it and to recover the costs of the suit including a  
12 reasonable attorney's fee.

--- END ---