

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5531

Chapter 371, Laws of 2009

61st Legislature
2009 Regular Session

CONSUMER PROTECTION ACT VIOLATIONS

EFFECTIVE DATE: 07/26/09

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

BRAD OWEN

President of the Senate

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

FRANK CHOPP

Speaker of the House of Representatives

Approved May 6, 2009, 2:14 p.m.

CHRISTINE GREGOIRE

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.

THOMAS HOEMANN

Secretary

FILED

May 8, 2009

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5531

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((~~7~~—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.

Passed by the Senate April 19, 2009.
Passed by the House April 8, 2009.
Approved by the Governor May 6, 2009.
Filed in Office of Secretary of State May 8, 2009.