1155-S AMH CORR BAKY 322

**SHB 1155** - H AMD **129**

By Representative Corry

**NOT ADOPTED 03/04/2023**

On page 14, line 24, after "**Sec. 11.**" insert "(1) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

(2)(a)"

On page 14, after line 31, insert the following:

"(b) The legislative declarations in this subsection do not apply to any claim or action by any party other than the attorney general alleging that conduct regulated by this chapter violates chapter 19.86 RCW, and this chapter does not incorporate RCW 19.86.093.

(3) A violation of this chapter may not serve as the basis for, or be subject to, a private right of action under this chapter or under any other law.

(4) Prior to commencing an enforcement action for a violation of this chapter, if the attorney general determines that it is possible to cure the violation, the attorney general must issue a notice of the violation to the regulated entity or processor. If, at least 60 days after issuing the notice, the attorney general believes the regulated entity or processor has failed to cure the violation, the attorney general may bring an action against the regulated entity or processor as provided in this chapter."

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|  | EFFECT:  (1) Provides that violations are enforceable only by the Attorney General under the Consumer Protection Act (CPA).  (2) Eliminates private right of action and provides that a violation of the bill may not serve as the basis for a private right of action under the bill or under any other law.  (3) Retains the legislative declarations that make a violation of the bill a per se violation of the CPA, but specifies that these legislative declarations apply only to actions brought by the Attorney General and not to any claim or action by any other party.  (4) Requires the Attorney General, prior to commencing an enforcement action for a violation that the Attorney General determines to be curable, to provide the regulated entity or processor with a notice of the violation. Requires the Attorney General to allow the regulated entity or processor at least 60 days to cure the violation prior to bringing an enforcement action. |

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