**1155-S.E AMS SHOR S3017.1 - NOT FOR FLOOR USE**

**ESHB 1155** - S AMD TO S AMD (S-2826.4/23) **302**

By Senator Short

**WITHDRAWN 04/05/2023**

On page 15, beginning on line 26, strike all of section 11 and insert the following:

"NEW SECTION. **Sec.**  (1) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

(2)(a) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business, is an unfair or deceptive act in trade or commerce, and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(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, small business, or processor. If, at least 60 days after issuing the notice, the attorney general believes the regulated entity, small business, or processor has failed to cure the violation, the attorney general may bring an action against the regulated entity, small business, or processor as provided in this chapter."

EFFECT: Provides that violations are enforceable only by the Attorney General under the Consumer Protection Act (CPA).

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.

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.

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, small business, or processor with a notice of the violation. Requires the Attorney General to allow the regulated entity, small business, or processor at least 60 days to cure the violation prior to bringing an enforcement action.