

SHB 1155 - H AMD 129

By Representative Corry

NOT ADOPTED 03/04/2023

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

4 (2)(a)"

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

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

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

14 (4) Prior to commencing an enforcement action for a violation of
15 this chapter, if the attorney general determines that it is possible
16 to cure the violation, the attorney general must issue a notice of the
17 violation to the regulated entity or processor. If, at least 60 days
18 after issuing the notice, the attorney general believes the regulated
19 entity or processor has failed to cure the violation, the attorney
20 general may bring an action against the regulated entity or processor
21 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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