
SUBSTITUTE HOUSE BILL 1683

State of Washington 61st Legislature 2009 Regular Session

By House Judiciary (originally sponsored by Representatives Kirby, Goodman, Nelson, Campbell, Williams, Orwall, Green, Ormsby, Moeller, and Pedersen)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to modifying provisions relating to consumer
2 protection act violations; amending RCW 19.86.090; and adding a new
3 section to chapter 19.86 RCW.

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(~~, and~~). In addition, the court may in its discretion,
16 increase the award of damages up to an amount not to exceed three times
17 the actual damages sustained: PROVIDED, That such increased damage
18 award for violation of RCW 19.86.020 may not exceed ((~~ten~~)) twenty-five
19 thousand dollars: PROVIDED FURTHER, That such person may bring a civil

1 action in the district court to recover his or her actual damages,
2 except for damages which exceed the amount specified in RCW 3.66.020,
3 and the costs of the suit, including reasonable attorney's fees. The
4 district court may, in its discretion, increase the award of damages to
5 an amount not more than three times the actual damages sustained, but
6 such increased damage award shall not exceed (~~the amount specified in~~
7 ~~RCW 3.66.020~~) twenty-five thousand dollars. For the purpose of this
8 section, "person" (~~shall~~) includes the counties, municipalities, and
9 all political subdivisions of this state.

10 Whenever the state of Washington is injured, directly or
11 indirectly, by reason of a violation of RCW 19.86.030, 19.86.040,
12 19.86.050, or 19.86.060, it may sue therefor in (~~the~~) superior court
13 to recover the actual damages sustained by it, whether direct or
14 indirect, and to recover the costs of the suit including a reasonable
15 attorney's fee.

16 NEW SECTION. Sec. 2. A new section is added to chapter 19.86 RCW
17 to read as follows:

18 In a private action in which an unfair or deceptive act or practice
19 is alleged under RCW 19.86.020, a claimant may establish that the act
20 or practice is injurious to the public interest because it:

- 21 (1) Violates a statute which incorporates this chapter;
- 22 (2) Violates a statute which contains a specific legislative
23 declaration of public interest impact; or
- 24 (3)(a) Injured other persons; (b) had the capacity to injure other
25 persons; or (c) has the capacity to injure other persons.

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