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SENATE BILL 6382

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State of Washington                      60th Legislature                      2008 Regular Session

By Senators Weinstein, Kauffman, Fairley, Kohl-Welles, and Kline

Read first time 01/16/08.                      Referred to Committee on Consumer Protection & Housing.

1            AN ACT Relating to modifying provisions relating to consumer  
2 protection act violations; and amending RCW 19.86.090.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 19.86.090 and 2007 c 66 s 2 are each amended to read  
5 as follows:

6            Any person who is injured in his or her business or property by a  
7 violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or  
8 19.86.060, or any person so injured because he or she refuses to accede  
9 to a proposal for an arrangement which, if consummated, would be in  
10 violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, may  
11 bring a civil action in ((the)) superior or district court to enjoin  
12 further violations, to recover the actual damages sustained by him or  
13 her, or both, together with the costs of the suit, including a  
14 reasonable attorney's fee((, and)). In addition, the court may ((in  
15 its discretion, increase the award of damages to an amount not to  
16 exceed three times the actual damages sustained: PROVIDED, That such  
17 increased damage award for violation of RCW 19.86.020 may not exceed  
18 ten thousand dollars: PROVIDED FURTHER, That such person may bring a  
19 civil action in the district court to recover his or her actual

1 ~~damages, except for damages which exceed the amount specified in RCW~~  
2 ~~3.66.020, and the costs of the suit, including reasonable attorney's~~  
3 ~~fees. The district court may, in its discretion, increase the award of~~  
4 ~~damages to an amount not more than three times the actual damages~~  
5 ~~sustained, but such increased damage award shall not exceed the amount~~  
6 ~~specified in RCW 3.66.020)) award damages of up to fifty thousand~~  
7 ~~dollars against the defendant for each violation of this chapter to~~  
8 ~~advance the interests of this chapter.~~ For the purpose of this  
9 section, "person" (~~shall~~) includes the counties, municipalities, and  
10 all political subdivisions of this state, and the attorney general on  
11 behalf of the state of Washington.

12 Whenever the state of Washington is injured, directly or  
13 indirectly, by reason of a violation of RCW 19.86.030, 19.86.040,  
14 19.86.050, or 19.86.060, it may sue therefor in the superior court to  
15 recover the actual damages sustained by it, whether direct or indirect,  
16 (~~and to recover~~) the costs of the suit, including a reasonable  
17 attorney's fee, as well as other damages allowed under this section  
18 that the trier of fact determines to be just.

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