

2 SSB 6669 - S AMD - 059
3 By Senator Anderson

4 PULLED 2/13/96

5 On page 1, line 5, after "chapter" strike "49.60" and insert
6 "19.86"

7 On page 1, line 9, after "is" strike "an unfair practice" and
8 insert "unlawful"

9 On page 1, after line 15, insert the following:

10 "Sec. 2. RCW 19.86.090 and 1987 c 202 s 187 are each amended to
11 read as follows:

12 Any person who is injured in his or her business or property by a
13 violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, ((or))
14 19.86.060, or section 1 of this act, or any person so injured because
15 he or she refuses to accede to a proposal for an arrangement which, if
16 consummated, would be in violation of RCW 19.86.030, 19.86.040,
17 19.86.050, ((or)) 19.86.060, or section 1 of this act, may bring a
18 civil action in the superior court to enjoin further violations, to
19 recover the actual damages sustained by him or her, or both, together
20 with the costs of the suit, including a reasonable attorney's fee, and
21 the court may in its discretion, increase the award of damages to an
22 amount not to exceed three times the actual damages sustained:
23 PROVIDED, That such increased damage award for violation of RCW
24 19.86.020 may not exceed ten thousand dollars: PROVIDED FURTHER, That
25 such person may bring a civil action in the district court to recover
26 his or her actual damages, except for damages which exceed the amount
27 specified in RCW 3.66.020, and the costs of the suit, including
28 reasonable attorney's fees. The district court may, in its discretion,
29 increase the award of damages to an amount not more than three times
30 the actual damages sustained, but such increased damage award shall not
31 exceed the amount specified in RCW 3.66.020. For the purpose of this
32 section "person" shall include the counties, municipalities, and all
33 political subdivisions of this state.

1 Whenever the state of Washington is injured by reason of a
2 violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, it may
3 sue therefor in the superior court to recover the actual damages
4 sustained by it and to recover the costs of the suit including a
5 reasonable attorney's fee."

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9 On page 1, line 2 of the title, after "sex" strike everything
10 through RCW on line 3, and insert "amending RCW 19.86.090; and adding
11 a new section to chapter 19.86 RCW"

12 **EFFECT:** Authority for enforcement of this provision is given to the
13 Attorney General's consumer protection division. A consumer may
14 institute a private cause of action under the consumer protection
15 laws for violations of section 1 of this act.

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