
SENATE BILL 5228

State of Washington

60th Legislature

2007 Regular Session

By Senators Kline, McCaslin and Weinstein; by request of Attorney General

Read first time 01/15/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to protection of indirect purchasers for injuries
2 arising from violations of state antitrust laws; amending RCW 19.86.080
3 and 19.86.090; and declaring an emergency.

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

5 **Sec. 1.** RCW 19.86.080 and 1970 ex.s. c 26 s 1 are each amended to
6 read as follows:

7 The attorney general may bring an action in the name of the state,
8 or as parens patriae on behalf of persons residing in the state,
9 against any person to restrain and prevent the doing of any act herein
10 prohibited or declared to be unlawful; and the prevailing party may, in
11 the discretion of the court, recover the costs of said action including
12 a reasonable attorney's fee.

13 The court may make such additional orders or judgments as may be
14 necessary to restore to any person in interest any moneys or property,
15 real or personal, which may have been acquired by means of any act
16 herein prohibited or declared to be unlawful. Upon a violation of RCW
17 19.86.030, 19.86.040, 19.86.050, or 19.86.060, the court may also make
18 such additional orders or judgments as may be necessary to restore to
19 any person in interest any moneys or property, real or personal, which

1 may have been acquired, regardless of whether such person purchased or
2 transacted for goods or services directly with the defendant or
3 indirectly through resellers.

4 **Sec. 2.** RCW 19.86.090 and 1987 c 202 s 187 are each amended to
5 read 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 court to enjoin further
12 violations, to recover the actual damages sustained by him or her, or
13 both, together with the costs of the suit, including a reasonable
14 attorney's fee, and the court may in its discretion, increase the award
15 of damages to an amount not to exceed three times the actual damages
16 sustained: PROVIDED, That such increased damage award for violation of
17 RCW 19.86.020 may not exceed ten thousand dollars: PROVIDED FURTHER,
18 That such person may bring a civil action in the district court to
19 recover his or her actual damages, except for damages which exceed the
20 amount specified in RCW 3.66.020, and the costs of the suit, including
21 reasonable attorney's fees. The district court may, in its discretion,
22 increase the award of damages to an amount not more than three times
23 the actual damages sustained, but such increased damage award shall not
24 exceed the amount specified in RCW 3.66.020. For the purpose of this
25 section, "person" shall include the counties, municipalities, and all
26 political subdivisions of this state.

27 Whenever the state of Washington is injured, directly or
28 indirectly, by reason of a violation of RCW 19.86.030, 19.86.040,
29 19.86.050, or 19.86.060, it may sue therefor in the superior court to
30 recover the actual damages sustained by it, whether direct or indirect,
31 and to recover the costs of the suit including a reasonable attorney's
32 fee.

33 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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