

SSB 5531 - H COMM AMD
By Committee on Judiciary

ADOPTED AND ENGROSSED 04/08/2009

1 Strike everything after the enacting clause and insert the
2 following:

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

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

28 Whenever the state of Washington is injured, directly or
29 indirectly, by reason of a violation of RCW 19.86.030, 19.86.040,
30 19.86.050, or 19.86.060, it may sue therefor in ((the)) superior court

1 to recover the actual damages sustained by it, whether direct or
2 indirect, and to recover the costs of the suit including a reasonable
3 attorney's fee.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.86 RCW
5 to read as follows:

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

9 (1) Violates a statute that incorporates this chapter;

10 (2) Violates a statute that contains a specific legislative
11 declaration of public interest impact; or

12 (3)(a) Injured other persons; (b) had the capacity to injure other
13 persons; or (c) has the capacity to injure other persons.

14 NEW SECTION. **Sec. 3.** This act applies to all causes of action
15 that accrue on or after the effective date of this act."

16 Correct the title.

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