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**SUBSTITUTE SENATE BILL 5025**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Rolfes, Billig, Conway, Das, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Pedersen, Saldaña, Salomon, Stanford, Van De Wege, Wellman, and Wilson, C.; by request of Attorney General)

READ FIRST TIME 01/29/21.

1 AN ACT Relating to the consumer protection improvement act;  
2 amending RCW 19.86.140 and 4.16.160; creating new sections; and  
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Strong consumer protection and antitrust penalties are  
7 critical to protecting consumers and ensuring a fair marketplace;

8 (2) Strong penalties ensure accountability, deter violations, and  
9 ensure a level playing field for businesses;

10 (3) Washington currently does not provide strong penalties for  
11 violations of the state's consumer protection act, which prohibits  
12 unfair or deceptive acts or practices and unfair methods of  
13 competition;

14 (4) Washington's penalty for unfair or deceptive acts or  
15 practices has not kept pace with inflation, and has not increased  
16 since 1970;

17 (5) Washington's penalty for unfair methods of competition has  
18 also not kept pace with inflation, and has not increased since 1983;

19 (6) Consequently, Washington has one of the lowest consumer  
20 protection penalties in the United States;

1 (7) Twenty-four state legislatures representing more than 200  
2 million Americans have passed enhanced penalties for violations that  
3 target or impact certain vulnerable populations, but Washington does  
4 not have an enhanced penalty;

5 (8) Many Washingtonians are hurting financially due to the  
6 impacts of the global pandemic;

7 (9) Washington's weak penalties place Washington consumers at  
8 greater risk; and

9 (10) Washingtonians deserve strong consumer protections to ensure  
10 entities that illegally, unfairly, and deceptively go after their  
11 hard-earned dollars are held accountable.

12 **Sec. 2.** RCW 19.86.140 and 1983 c 288 s 2 are each amended to  
13 read as follows:

14 Every person who shall violate the terms of any injunction issued  
15 as in this chapter provided, shall forfeit and pay a civil penalty of  
16 not more than (~~twenty-five thousand dollars~~) \$215,000.

17 Every (~~person, other than a corporation,~~) individual who  
18 violates RCW 19.86.030 or 19.86.040 shall pay a civil penalty of not  
19 more than (~~one hundred thousand dollars~~) \$260,000. Every  
20 (~~corporation which~~) person, other than an individual, who violates  
21 RCW 19.86.030 or 19.86.040 shall pay a civil penalty of not more than  
22 (~~five hundred thousand dollars~~) \$1,300,000.

23 Every person who violates RCW 19.86.020 shall forfeit and pay a  
24 civil penalty of not more than (~~two thousand dollars~~) \$13,350 for  
25 each violation: PROVIDED, That nothing in this paragraph shall apply  
26 to any radio or television broadcasting station which broadcasts, or  
27 to any publisher, printer or distributor of any newspaper, magazine,  
28 billboard or other advertising medium who publishes, prints or  
29 distributes, advertising in good faith without knowledge of its  
30 false, deceptive or misleading character.

31 For unlawful acts or practices that target or impact specific  
32 individuals or communities based on demographic characteristics  
33 including, but not limited to, age, race, national origin,  
34 citizenship or immigration status, sex, sexual orientation, presence  
35 of any sensory, mental, or physical disability, religion, veteran  
36 status, or status as a member of the armed forces, as that term is  
37 defined in 10 U.S.C. Sec. 101, an enhanced penalty of \$10,000 shall  
38 apply.

1 For the purpose of this section the superior court issuing any  
2 injunction shall retain jurisdiction, and the cause shall be  
3 continued, and in such cases the attorney general acting in the name  
4 of the state may petition for the recovery of civil penalties.

5 With respect to violations of RCW 19.86.030 and 19.86.040, the  
6 attorney general, acting in the name of the state, may seek recovery  
7 of such penalties in a civil action.

8 **Sec. 3.** RCW 4.16.160 and 1986 c 305 s 701 are each amended to  
9 read as follows:

10 The limitations prescribed in this chapter shall apply to actions  
11 brought in the name or for the benefit of any county or other  
12 municipality or quasimunicipality of the state, in the same manner as  
13 to actions brought by private parties: PROVIDED, That, except as  
14 provided in RCW 4.16.310, there shall be no limitation to actions  
15 brought in the name or for the benefit of the state, and no claim of  
16 right predicated upon the lapse of time shall ever be asserted  
17 against the state, including actions asserting a claim for civil  
18 penalties under RCW 19.86.140: AND FURTHER PROVIDED, That no  
19 previously existing statute of limitations shall be interposed as a  
20 defense to any action brought in the name or for the benefit of the  
21 state, although such statute may have run and become fully operative  
22 as a defense prior to February 27, 1903, nor shall any cause of  
23 action against the state be predicated upon such a statute.

24 NEW SECTION. **Sec. 4.** This act may be known and cited as the  
25 consumer protection improvement act.

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