

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2072**

68th Legislature  
2024 Regular Session

Passed by the House February 8, 2024  
Yeas 59 Nays 37

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**Speaker of the House of  
Representatives**

Passed by the Senate February 29,  
2024  
Yeas 29 Nays 20

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2072** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2072**

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Passed Legislature - 2024 Regular Session

**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Farivar, Taylor, Ryu, Reeves, Slatter, Reed, Ormsby, Ramel, Macri, Goodman, Fosse, Riccelli, and Hackney; by request of Attorney General)

READ FIRST TIME 01/23/24.

1       AN ACT Relating to the antitrust penalties improvement act;  
2       amending RCW 19.86.140; and creating new sections.

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

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

5       (1) Strong penalties for antitrust violations are critical to  
6       protecting consumers;

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

10       (3) As of the effective date of this section, Washington does not  
11       provide strong enough penalties to adequately deter unlawful  
12       anticompetitive business practices;

13       (4) Washington's penalty for antitrust violations has also not  
14       kept pace with inflation;

15       (5) Washington's civil penalties for antitrust violations are  
16       much lower than the harm antitrust violations may cause;

17       (6) Washington's weak penalties place Washington consumers and  
18       businesses at greater risk; and

19       (7) Washingtonians deserve strong antitrust penalties to ensure  
20       entities that unlawfully engage in anticompetitive behavior are held  
21       accountable.

1       **Sec. 2.** RCW 19.86.140 and 2021 c 228 s 2 are each amended to  
2 read as follows:

3       Every person who shall violate the terms of any injunction issued  
4 as in this chapter provided, shall forfeit and pay a civil penalty of  
5 not more than \$125,000.

6       (~~Every individual who violates RCW 19.86.030 or 19.86.040 shall~~  
7 ~~pay a civil penalty of not more than \$180,000.~~) Every person(~~(~~  
8 ~~other than an individual,~~) who violates RCW 19.86.030 or 19.86.040  
9 shall pay a civil penalty of (~~not more than \$900,000~~) up to three  
10 times the unlawful gains or loss avoided as a result of each  
11 violation.

12       Every person who violates RCW 19.86.020 shall forfeit and pay a  
13 civil penalty of not more than \$7,500 for each violation: PROVIDED,  
14 That nothing in this paragraph shall apply to any radio or television  
15 broadcasting station which broadcasts, or to any publisher, printer  
16 or distributor of any newspaper, magazine, billboard or other  
17 advertising medium who publishes, prints or distributes, advertising  
18 in good faith without knowledge of its false, deceptive or misleading  
19 character.

20       For unlawful acts or practices that target or impact specific  
21 individuals or communities based on demographic characteristics  
22 including, but not limited to, age, race, national origin,  
23 citizenship or immigration status, sex, sexual orientation, presence  
24 of any sensory, mental, or physical disability, religion, veteran  
25 status, or status as a member of the armed forces, as that term is  
26 defined in 10 U.S.C. Sec. 101, an enhanced penalty of \$5,000 shall  
27 apply.

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

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

35       By December 1, 2022, and every five years thereafter, the office  
36 of the attorney general shall evaluate the efficacy of the maximum  
37 civil penalty amounts established in this section in deterring  
38 violations of the consumer protection act and the difference, if any,  
39 between the current penalty amounts and the penalty amounts adjusted

1 for inflation, and provide the legislature with a report of its  
2 findings and any recommendations in compliance with RCW 43.01.036.

3 NEW SECTION. **Sec. 3.** This act shall be known and cited as the  
4 antitrust penalties improvement act.

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