

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2072

Chapter 256, Laws of 2024

68th Legislature
2024 Regular Session

ANTITRUST VIOLATIONS—PENALTIES

EFFECTIVE DATE: June 6, 2024

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

LAURIE JINKINS

**Speaker of the House of
Representatives**

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

DENNY HECK

President of the Senate

Approved March 26, 2024 9:11 AM

JAY INSLEE

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.

BERNARD DEAN

Chief Clerk

FILED

March 27, 2024

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2072

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.

Passed by the House February 8, 2024.
Passed by the Senate February 29, 2024.
Approved by the Governor March 26, 2024.
Filed in Office of Secretary of State March 27, 2024.

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