
HOUSE BILL 2055

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Rodne, Morris, Smith, Pedersen, Nealey, Goodman, Orwall, Fagan, Johnson, Harris, Hansen, Moeller, Warnick, Jinkins, Roberts, Kirby, Ross, Pollet, and Morrell; by request of Attorney General

Read first time 04/22/13. Referred to Committee on Judiciary.

1 AN ACT Relating to recovering costs in consumer protection actions;
2 and amending RCW 19.86.080 and 19.270.060.

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

4 **Sec. 1.** RCW 19.86.080 and 2007 c 66 s 1 are each amended to read
5 as follows:

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

13 (2) The court may make such additional orders or judgments as may
14 be necessary to restore to any person in interest any moneys or
15 property, real or personal, which may have been acquired by means of
16 any act herein prohibited or declared to be unlawful.

17 (3) Upon a violation of RCW 19.86.030, 19.86.040, 19.86.050, or
18 19.86.060, the court may also make such additional orders or judgments
19 as may be necessary to restore to any person in interest any moneys or

1 property, real or personal, which may have been acquired, regardless of
2 whether such person purchased or transacted for goods or services
3 directly with the defendant or indirectly through resellers. The court
4 shall exclude from the amount of monetary relief awarded in an action
5 pursuant to this subsection any amount that duplicates amounts that
6 have been awarded for the same violation. The court should consider
7 consolidation or coordination with other related actions, to the extent
8 practicable, to avoid duplicate recovery.

9 **Sec. 2.** RCW 19.270.060 and 2008 c 66 s 5 are each amended to read
10 as follows:

11 (1) In addition to any other remedies provided by this chapter or
12 any other provision of law, the attorney general, or a provider of
13 computer software or owner of a web site or trademark who is adversely
14 affected by reason of a violation of this chapter, and whose action
15 arises directly out of such person's status as a provider or owner, may
16 bring an action against a person who violates this chapter to enjoin
17 further violations and to recover either actual damages or one hundred
18 thousand dollars per violation, whichever is greater.

19 (2) In an action under subsection (1) of this section, a court may
20 increase the damages up to three times the damages allowed under
21 subsection (1) of this section if the defendant has engaged in a
22 pattern and practice of violating this chapter. The court may also
23 award costs and reasonable attorneys' fees to the prevailing party,
24 except that in an action brought by the attorney general, costs and
25 reasonable attorneys' fees may only be awarded to the attorney general
26 as prevailing party, and may not be awarded to the defendant.

27 (3) The amount of damages determined under subsection (1) or (2) of
28 this section may not exceed two million dollars.

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