

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1247 Session of
2010

INTRODUCED BY D. WHITE, RAFFERTY, WASHINGTON, TARTAGLIONE,
M. WHITE, LEACH, FERLO, O'PAKE, WAUGH, LOGAN AND STACK,
FEBRUARY 26, 2010

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 26, 2010

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),
2 entitled "An act prohibiting unfair methods of competition
3 and unfair or deceptive acts or practices in the conduct of
4 any trade or commerce, giving the Attorney General and
5 District Attorneys certain powers and duties and providing
6 penalties," further providing for definitions and for private
7 actions.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2 of the act of December 17, 1968
11 (P.L.1224, No.387), known as the Unfair Trade Practices and
12 Consumer Protection Law, reenacted and amended November 24, 1976
13 (P.L.1166, No.260), is amended by adding a clause to read:

14 Section 2. Definitions.--As used in this act.

15 * * *

16 (1.2) "Minimal damages" means five hundred dollars (\$500),
17 subject to annual adjustment by the Attorney General to reflect
18 changes in the Consumer Price Index for All Urban Consumers for
19 the Pennsylvania, New Jersey, Delaware and Maryland area in the

1 preceding 12 months, submitted to the Legislative Reference
2 Bureau for publication as a notice in the Pennsylvania Bulletin.

3 * * *

4 Section 2. Section 9.2 of the act, amended December 4, 1996
5 (P.L.906, No.146), is amended to read:

6 Section 9.2. Private Actions.--(a) Any person who purchases
7 or leases goods or services primarily for personal, family or
8 household purposes and thereby suffers any ascertainable loss of
9 money or property, real or personal, as a result of the use or
10 employment by any person of a method, act or practice declared
11 unlawful by section 3 of this act, may bring a private action to
12 recover actual damages or [one hundred dollars (\$100)] minimal
13 damages, whichever is greater. The court may, in its discretion,
14 award up to three times the actual damages sustained, but not
15 less than [one hundred dollars (\$100)] minimal damages, and may
16 provide such additional relief as it deems necessary or proper.
17 The court may award to the plaintiff, in addition to other
18 relief provided in this section, costs and reasonable attorney
19 fees.

20 (b) Any permanent injunction, judgment or order of the court
21 made under section 4 of this act shall be prima facie evidence
22 in an action brought under section 9.2 of this act that the
23 defendant used or employed acts or practices declared unlawful
24 by section 3 of this act.

25 Section 3. The amendment of section 9.2 of the act shall
26 apply to a cause of action which arises on or after the
27 effective date of this section.

28 Section 4. This act shall take effect in 60 days.