

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 243 Session of 2015

INTRODUCED BY DeLUCA, KOTIK, D. COSTA, FLYNN, PICKETT, SACCONI,
MILLARD, McNEILL, MATZIE, DAVIDSON, MURT, COHEN AND KORTZ,
JANUARY 28, 2015

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JANUARY 28, 2015

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 private actions.

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

9 Section 1. Section 9.2 of the act of December 17, 1968
10 (P.L.1224, No.387), known as the Unfair Trade Practices and
11 Consumer Protection Law, reenacted and amended November 24, 1976
12 (P.L.1166, No.260) and amended December 4, 1996 (P.L.906,
13 No.146), is amended to read:

14 Section 9.2. Private Actions.--(a) Any person who purchases
15 or leases goods or services primarily for personal, family or
16 household purposes and thereby suffers any ascertainable loss of
17 money or property, real or personal, as a result of the use or
18 employment by any person of a method, act or practice declared
19 unlawful by section 3 of this act, may bring a private action to

1 recover actual damages or [one hundred dollars (\$100)] five
2 hundred dollars (\$500), whichever is greater. The court may, in
3 its discretion, award up to three times the actual damages
4 sustained, but not less than [one hundred dollars (\$100)] five
5 hundred dollars (\$500), and may provide such additional relief
6 as it deems necessary or proper. The court may award to the
7 plaintiff, in addition to other relief provided in this section,
8 costs and reasonable attorney fees.

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

14 Section 2. This act shall apply to all causes of action
15 occurring on or after the effective date of this section.

16 Section 3. This act shall take effect immediately.