

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 341

Session of
1975

INTRODUCED BY ITKIN, GEISLER, TRELLO, RHODES, ROMANELLI,
MISCEVICH, MENHORN, COWELL, GILLETTE, KERNICK, ABRAHAM,
MORRIS, SCHMITT, DOYLE, GALLAGHER, A. P. KELLY, WARGO,
RENWICK, HASKELL, CESSAR, BURNS, WRIGHT, IRVIS, KOWALYSHYN,
ZELLER, FINEMAN, GILLESPIE, O'KEEFE, PRATT, FEE, STAPLETON,
GARZIA, MILLIRON, BERLIN, COLE, GREEN, McCALL, FAWCETT AND
WANSACZ, FEBRUARY 10, 1975

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, FEBRUARY 10, 1975

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," empowering the court to assess various costs and
7 order restitution.

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

10 Section 1. Sections 4 and 5 act of December 17, 1968
11 (P.L.1224, No.387), known as the "Unfair Trade Practices and
12 Consumer Protection Law," is amended to read:

13 Section 4. Restraining Prohibited Acts.--(a) Whenever the
14 Attorney General or a District Attorney has reason to believe
15 that any person is using or is about to use any method, act or
16 practice declared by section 3 of this act to be unlawful, and
17 that proceedings would be in the public interest, he may bring
18 an action in the name of the Commonwealth against such person to

1 restrain by temporary or permanent injunction the use of such
2 method, act or practice. The action may be brought in the court
3 of common pleas of the county in which such person resides, has
4 his principal place of business, or is doing business, or may be
5 brought in the Commonwealth Court. The said courts are
6 authorized to issue temporary or permanent injunctions to
7 restrain and prevent violations of this act, and such
8 injunctions shall be issued without bond.

9 (b) Whenever any court issues a permanent injunction to
10 restrain and prevent violations of this act, the court may in
11 its discretion provide for payment by defendant or defendants to
12 the Commonwealth of the costs and disbursements of the action
13 and the costs of the investigation leading to the action. In
14 addition, the court may in its discretion direct the defendant
15 or defendants to restore to any person in interest any moneys or
16 property, real or personal, which may have been acquired by
17 means of any violation of this act, under terms and conditions
18 to be established by the court.

19 Section 5. Assurances of Voluntary Compliance.--(a) In the
20 administration of this act, the Attorney General may accept an
21 assurance of voluntary compliance with respect to any method,
22 act or practice deemed to be violative of the act from any
23 person who has engaged or was about to engage in such method,
24 act or practice. Any such assurance shall be in writing and be
25 filed with the court of common pleas in which the alleged
26 violator resides, has his principal place of business, or is
27 doing business, or the Commonwealth Court. Such assurance of
28 voluntary compliance shall not be considered an admission of
29 violation for any purpose. Matters thus closed may at any time
30 be reopened by the Attorney General for further proceedings in

1 the public interest, pursuant to section 4.

2 (b) Such voluntary assurances may include a stipulation for
3 voluntary payment by the alleged violator of investigation by
4 the Attorney General and may also include a stipulation for the
5 restitution by the alleged violator to consumers, of money,
6 property, or other things received from them in connection with
7 a violation of this act.

8 Section 2. This act shall take effect in 60 days.