

# LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 1/11/17)

2018D10752NAD:EJH

No. \_\_\_\_\_

LEGISLATIVE REFERENCE BUREAU

## AN ACT

Amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for definitions, for unlawful acts or practices and exclusions and for private actions.

INTRODUCED \_\_\_\_\_ 20 \_\_\_\_\_

District

By \_\_\_\_\_ NO. \_\_\_\_\_

District

By \_\_\_\_\_ NO. \_\_\_\_\_

District

By \_\_\_\_\_ NO. \_\_\_\_\_

District

By \_\_\_\_\_ NO. \_\_\_\_\_

See next page for additional co-sponsors.

☐ Prior Session \_\_\_\_\_

Referred to Committee on

Date \_\_\_\_\_ 20 \_\_\_\_\_

Reported \_\_\_\_\_ 20 \_\_\_\_\_

As Committed-Amended

Recommendation

By Hon. \_\_\_\_\_



## 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, for unlawful  
7 acts or practices and exclusions and for private actions.

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

10 Section 1. Section 2(4)(xxi) of the act of December 17, 1968  
11 (P.L.1224, No.387), known as the Unfair Trade Practices and  
12 Consumer Protection Law, is amended and the clause is amended by  
13 adding a subclause to read:

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

15 \* \* \*

16 (4) "Unfair methods of competition" and "unfair or deceptive  
17 acts or practices" mean any one or more of the following:

18 \* \* \*

19 (xxi) Using a contract for the sale of goods or services  
20 which states that any of the contract's provisions are or may be

1 void, unenforceable or inapplicable in a jurisdiction without  
2 specifying which provisions are or are not void, unenforceable  
3 or inapplicable within this Commonwealth.

4 (xxii) Engaging in any other fraudulent or deceptive conduct  
5 which creates a likelihood of confusion or of misunderstanding.

6 Section 2. Sections 3 and 9.2(a) of the act are amended to  
7 read:

8 Section 3. Unlawful Acts or Practices; Exclusions.--Unfair  
9 methods of competition and unfair or deceptive acts or practices  
10 in the conduct of any trade or commerce as defined by subclauses  
11 (i) through [(xxi)] (xxii) of clause (4) of section 2 of this  
12 act and regulations promulgated under section 3.1 of this act  
13 are hereby declared unlawful. The provisions of this act shall  
14 not apply to any owner, agent or employe of any radio or  
15 television station, or to any owner, publisher, printer, agent  
16 or employe of an Internet service provider or a newspaper or  
17 other publication, periodical or circular, who, in good faith  
18 and without knowledge of the falsity or deceptive character  
19 thereof, publishes, causes to be published or takes part in the  
20 publication of such advertisement.

21 Section 9.2. Private Actions.--(a) Any person [who  
22 purchases or leases goods or services primarily for personal,  
23 family or household purposes and thereby suffers any  
24 ascertainable loss of money or property, real or personal, as a  
25 result of the use or employment by any person of a method, act  
26 or practice] which uses or employs a method, act or practice  
27 declared unlawful by section 3 of this act[, may bring a private  
28 action to recover actual damages or one hundred dollars (\$100),  
29 whichever is greater.] shall be liable for a civil penalty of  
30 not less than one hundred dollars (\$100) or for actual damages,

1 or both, at the election of the consumer, together with  
2 reasonable attorney fees and court costs. The court may, in its  
3 discretion, award up to three times the actual damages  
4 sustained, but not less than one hundred dollars (\$100), and may  
5 provide such additional relief as it deems necessary or proper.  
6 [The court may award to the plaintiff, in addition to other  
7 relief provided in this section, costs and reasonable attorney  
8 fees.] Actual damages may be recoverable by a consumer in a  
9 private action or as part of a counterclaim by a consumer  
10 against a seller, lessor, creditor, lender, bailee or assignee  
11 which used or employed a method, act or practice declared  
12 unlawful by section 3 of this act. A consumer shall have the  
13 right to petition the court to terminate a contract which  
14 violates section 3 of this act.

15 \* \* \*

16 Section 3. This act shall take effect in 60 days.

