

2019D00103NAD:AAS

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_____

By _____ **District** NO. _____

By _____ **District** NO. _____

By _____ **District** NO. _____

By _____ **District** 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.

