

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1199 Session of 2011

INTRODUCED BY PIPPY, RAFFERTY, ERICKSON, BROWNE, ALLOWAY,
FONTANA, COSTA, FERLO, YUDICHAK AND MENSCH, JULY 25, 2011

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, JULY
25, 2011

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(4) 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) and amended December 4, 1996 (P.L.906,
14 No.146), is amended by adding a subclause and the section is
15 amended by adding a clause to read:

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

17 * * *

18 (2.1) "Small business" means a business having ten or fewer
19 employees.

20 * * *

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

3 * * *

4 (xxii) Soliciting any order for sale of goods to be ordered
5 by the buyer by stating that the prices of the goods are fixed
6 and subsequent to the order, the seller adds an unknown
7 surcharge to the original purchase price. Small businesses shall
8 have a cause of action against sellers under this subclause.

9 Section 2. Section 9.2(a) of the act, amended December 4,
10 1996 (P.L.906, No.146), is amended to read:

11 Section 9.2. Private Actions.--(a) Any person who purchases
12 or leases goods or services primarily for personal, family or
13 household purposes and thereby suffers any ascertainable loss of
14 money or property, real or personal, as a result of the use or
15 employment by any person of a method, act or practice declared
16 unlawful by section 3 of this act or a small business that is
17 harmed under section 2(4)(xxii), may bring a private action to
18 recover actual damages or one hundred dollars (\$100), whichever
19 is greater. The court may, in its discretion, award up to three
20 times the actual damages sustained, but not less than one
21 hundred dollars (\$100), and may provide such additional relief
22 as it deems necessary or proper. The court may award to the
23 plaintiff, in addition to other relief provided in this section,
24 costs and reasonable attorney fees.

25 * * *

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