

PRIVATE RIGHTS OF ACTION – Encouraging Needless Litigation!

The Pennsylvania Coalition for Civil Justice Reform and the Pennsylvania Chamber of Business and Industry caution lawmakers against civil litigation provisions or Private Rights of Action (PRAs). They contribute to unneeded litigation, burdening our legal system and raising costs for individuals and businesses.

What is a private right of action?

In the context of state law, a PRA grants individuals the authority to file lawsuits to enforce specific statutes, often seeking monetary damages and other forms of relief. While presented as a means to enhance consumer protection, these measures invariably result in an increase in litigation, inconsistent enforcement, and a burden on the legal system imposing unnecessary costs. Most legislation already vests enforcement with the applicable state government agency or the Attorney General, rendering the PRA completely unnecessary.

How PRA's Harm PA's business climate

Increased litigation: PRAs contribute to a surge in litigation, which burdens our courts while causing delays in the administration of justice.

Inconsistent enforcement of statutes: Juries in different county courts will provide inconsistent rulings. This makes it impossible for a business to know and understand what is expected from them under the law.

Potential for abuse: The lack of traditional safeguards can lead to abusive litigation practices, shifting the aim from resolving genuine grievances to pursuing costly settlements.

Economic impact: Businesses will face disproportionate defense costs that are not commensurate with the alleged harm the legislation aims to prevent. Companies will be hesitant to invest, stifling economic growth and job creation.

The Solution

PCCJR and the PA Chamber strongly recommend that state legislators reject the inclusion of new private rights of action in legislation.

We support the more balanced and effective approach of empowering government entities, such as the Attorney General and state agencies, with exclusive enforcement authority. This will ensure a more focused and expert-driven process, safeguarding all parties involved and leading to more consistent enforcement and fairness to all parties.

PCCJR and the PA Chamber ask you to vote “NO” on all legislation containing PRAs or other civil actions.