

HB 76-FN - AS INTRODUCED

2021 SESSION

21-0024

05/11

HOUSE BILL **76-FN**

AN ACT prohibiting paper billing fees.

SPONSORS: Rep. Wazir, Merr. 17; Rep. Walz, Merr. 23; Rep. Guthrie, Rock. 13; Rep. Wolf, Merr. 5; Rep. Vail, Hills. 30; Rep. Gay, Rock. 8; Rep. Stapleton, Sull. 5; Rep. Dolan, Rock. 5; Rep. Pantelakos, Rock. 25; Rep. Schuett, Merr. 20

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill prohibits a person from charging an additional fee for paying by mail or receiving a paper billing statement.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT prohibiting paper billing fees.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Paper Billing Fees. Amend RSA by inserting after chapter 359-R the following
2 new chapter:

3 CHAPTER 359-S

4 PAPER BILLING FEES

5 359-S:1 Prohibition on Certain Fee Charges.

6 I. No person shall charge a consumer an additional rate or fee for electing to make a
7 payment by United States mail or for receiving a paper billing statement.

8 II. Nothing in this section shall apply to a government agency.

9 III. Nothing in this section shall be construed to restrict any right which a person may have
10 under any other statute or common law.

11 359-S:2 Violation; Civil Penalty and Private Action.

12 I. The department of justice shall be responsible for enforcement of this chapter. A person
13 found in violation of this chapter shall be subject to a civil penalty of up to \$500 for a first offense,
14 \$5,000 for a second offense, and \$10,000 for any subsequent offense.

15 II. An individual aggrieved by a violation of this chapter may bring a private civil action for
16 injunctive relief, actual damages or \$5,000 for each violation, whichever is greater, and reasonable
17 attorney's fees and court costs.

18 2 Effective Date. This act shall take effect January 1, 2022.

**HB 76-FN- FISCAL NOTE
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AN ACT prohibiting paper billing fees.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill would prohibit people, including “bodies corporate” as defined in RSA 21:9, from charging consumers an additional rate for electing to make a payment by mail or electing to receive a paper billing statement. The provision would not apply to government agencies. The bill charges the Department of Justice with enforcing the law and provides for civil fines for violation of \$500 for the first offense, \$5,000 for second offense, and \$10,000 for subsequent offenses. In addition, the bill creates a private right of action for private enforcement with a penalty of the greater of actual damages or \$5,000 along with attorney’s fees and court costs. The Department of Justice assumes this bill will result in an increase in investigations and/or prosecutions by the Department. Because the degree of increase cannot be estimated, the impact on expenditures and fine revenue cannot be determined.

Regarding private civil actions, the number of such private actions cannot be predicted. However, the Judicial Branch has provided average cost information for a routine civil case in the superior court. The cost to the Judicial Branch of an average routine civil case is estimated to be \$526 in FY 2022. This amount does not include the cost of potential appeals. It should be noted that the average case cost estimate is based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.

AGENCIES CONTACTED:

Department of Justice and Judicial Branch

