#### HB 39-FN - AS INTRODUCED

### 2023 SESSION

23-0211 05/08

HOUSE BILL 39-FN

AN ACT relative to paper billing fees.

SPONSORS: Rep. Vail, Hills. 6

COMMITTEE: Commerce and Consumer Affairs

#### ANALYSIS

This bill prohibits a person doing business in this state from charging an additional fee for receiving a paper billing statement, electing to make a payment by United States mail, or attempting to pay a bill in person.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Three

AN ACT relative to paper billing fees.

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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-T the following
2	new chapter:
3	CHAPTER 359-U
4	PAPER BILLING FEES
5	359-U:1 Prohibition on Certain Fee Charges.
6	I. No person doing business in this state shall charge a customer an additional fee for
7	receiving a paper billing statement, electing to make a payment by United States mail, or
8	attempting to pay a bill in person.
9	II. Nothing in this section shall apply to a government agency.
10	III. Nothing in this section shall be construed to restrict any right which a person may have
11	under any other statute or common law.
12	IV. Nothing in this section shall be construed to restrict a customer from electing to receive
13	digital communications and receipts.
14	359-U:2 Violation; Civil Penalty and Private Action.
15	I. A person who violates this chapter shall be required to reverse all paper billing fees and
16	shall be subject to a civil penalty of up to \$500 for a first offense, \$5,000 for a second offense, and
17	10,000 for any subsequent offense. Each charge or fee made in violation of RSA $359-U:1$ shall be a
18	separate offense. The department of justice shall be responsible for enforcement of this chapter.
19	II. An individual aggrieved by a violation of this chapter may bring a private civil action for
20	injunctive relief, actual damages for each violation, and reasonable attorney's fees and court costs.

2 Effective Date. This act shall take effect January 1, 2024.

# HB 39-FN- FISCAL NOTE AS INTRODUCED

AN ACT relative to paper billing fees.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
ive venue	ΨΟ	Increase	Increase	Increase
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	φυ	Increase	Increase	Increase
Funding Source:	[ X ] General	[ ] Education	[ ] Highway [	] Other

#### **METHODOLOGY:**

This bill creates a new chapter under RSA 359 prohibiting any person doing business in this state, excluding governmental agencies, from charging a customer an additional fee for receiving a paper billing statement, electing to make a payment by mail, or attempting to pay in person. Any person violating the provisions of this bill will be subject to a civil penalty. The bill assigns responsibility for enforcement of this chapter to the Department of Justice. The bill also creates a private right of action whereby an aggrieved party can bring an action for injunctive relief, actual damages and attorney's fees.

The Department of Justices states there will be an indeterminable increase in general fund expenditures as the number of investigations and or prosecutions to enforce this bill is uncertain.

There may be and indeterminable increase to State revenues as new civil penalties are assigned in this bill.

### **AGENCIES CONTACTED:**

Department of Justice