

Department of Planning and Budget

2001 Fiscal Impact Statement

1. **Bill Number** SB1295

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron** Mims

3. **Committee** Commerce and Labor

4. **Title** Telephone Privacy Protection Act

5. **Summary/Purpose:**

This bill:

- Proposes the enactment of the Virginia Telephone Privacy Protection Act (Act).
- Establishes calling time restrictions for telemarketing calls.
- Requires telephone solicitors to fully identify themselves upon contact with the person being called.
- Prohibits telemarketers from blocking their caller identification.
- Specifically prohibits the making of unwanted telephone solicitation calls.
- Provides for individual action for damages.
- Assigns specific investigative authority of alleged violations of the Act to the Commissioner of the Virginia Department of Agriculture and Consumer Services (VDACS).
- Outlines specific enforcement policies for violations.
- Permits individuals to sue to enjoin violations and recover damages in the amount of \$500 per violation or up to \$1500 for willful violations and recover attorney's fees and court costs.

6. **Fiscal impact:** See item 8

7. **Budget amendment necessary:** No

8. **Fiscal implications:** The current level of resources in the VDACS Office of Consumer Affairs may be adequate to meet the additional responsibilities contained in the bill. However, if the number of complaints to be investigated as a result of this bill is excessive, VDACS may have to reduce investigations in other areas or seek additional resources. While additional caseload cannot be determined at this time, the bill provides for the Attorney General, or local Commonwealth's Attorney to pursue violations in court. This unknown impact could also increase the administrative costs associated with the Office of the Attorney General, local Commonwealth's Attorneys, and the judicial system.

9. **Specific agency or political subdivisions affected:** Department of Agriculture and Consumer Services, Office of the Attorney General, Commonwealth's Attorneys, and the judicial system

10. **Technical amendment necessary:** No

11. **Other comments:** HB 2427 is a companion bill

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cc: Secretary of Commerce and Trade

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