

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB2600

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

2. Patron: Bell

3. Committee: Passed Both Houses.

4. Title: Virginia Telephone Privacy Protection Act

5. Summary: Provides that a telephone solicitor and the seller on whose behalf or for whose benefit a telephone solicitation call offering or advertising a seller's property, goods, or services is made or initiated are jointly and severally liable for violations of the Virginia Telephone Privacy Protection Act (§ 59.1-510 et seq.). The measure establishes a presumption that a telephone solicitation call offering or advertising a seller's property, goods, or services is made or initiated on behalf of or for the benefit of the seller and provides that this presumption may be rebutted if it is shown by clear and convincing evidence that (i) the seller did not retain or request the telephone solicitor to make telephone solicitation calls on the seller's behalf or for the seller's benefit and (ii) such telephone solicitation calls were made by the telephone solicitor without the seller's knowledge or consent. The measure removes a provision that authorized the Commissioner of the Department of Agriculture and Consumer Services to inquire into possible violations of the Act and contains technical amendments

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final.

8. Fiscal Implications: This bill removes the investigative authority of the Department Agriculture and Consumer Services (VDACS) from the Virginia Telephone Privacy Protection Act. Currently, VDACS does not dedicate resources to administer the Act; as such, this bill does not create a fiscal impact.

The bill expands prohibitions under the Virginia Telephone Privacy Protection Act. Any additional civil penalties assessed as a result of this bill cannot be determined. All revenues from civil penalties assessed under this Act are deposited to the Literary Fund.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services; Office of the Attorney General; localities; courts.

10. Technical Amendment Necessary: No.

11. Other Comments: None.