

Department of Planning and Budget

2007 Fiscal Impact Statement

1. Bill Number: HB2561

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: Brink

3. Committee: Commerce and Labor

4. Title: Automatic dialing-announcing devices; penalty

5. Summary/Purpose: The bill prohibits callers from using an automatic dialing-announcing device to make a telephone call to a health care provider, business providing ambulance services, residential facility, law-enforcement agency, fire department or rescue squad. For other calls, callers are prohibited from using, or connecting to a telephone line, an automatic dialing-announcing device unless the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message or unless the message is preceded by a live operator who obtains the subscriber's consent before the message is delivered. The measure also imposes calling time restrictions and requires automatic dialing-announcing devices or other devices that disseminate a prerecorded or synthesized voice message to the number called to disconnect within five seconds after termination of the telephone call. An automatic dialing-announcing device selects and dials telephone numbers and disseminates a prerecorded or synthesized voice message to the telephone number called. A violation of these requirements is a prohibited practice under the Consumer Protection Act. The existing prohibition on using recorded solicitation calls is repealed.

6. No fiscal impact.

7. Budget amendment necessary: No.

8. Fiscal implications: In addition to providing for damage awards to individuals, the Virginia Consumer Protection Act also provides for civil penalties and attorney's fees. Those penalties can be of up to \$2,500 per violation and go to the Literary Fund. If a person violates an assurance of voluntary compliance or an injunction issued pursuant to the Act, he can be subject to a civil penalty of up to \$5,000 per violation, which also go to the Literary Fund. In addition, the authorities prosecuting the case may recover additional costs for investigative expenses and attorney's fees. The additional costs go into the general fund of the Commonwealth or the corresponding locality.

9. Specific agency or political subdivisions affected: Department of Agriculture and Consumer Protection.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 1/19/07 kbs

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cc: Secretary of Agriculture and Forestry