

Committee Report

REGULAR CALENDAR

February 10, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Commerce and Consumer Affairs to which was referred HB 76-FN,

AN ACT prohibiting paper billing fees. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Paul Terry

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 76-FN
Title:	prohibiting paper billing fees.
Date:	February 10, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill prohibits a person from being charged an additional fee for paying by mail or receiving a paper bill statement. The majority of the committee is opposed to the bill for several reasons. There is no evidence that any other state has banned these nominal fees. The majority was also overwhelmingly opposed to exempting all government agencies while adversely impacting a whole range of much smaller providers directly and their customers who pay electronically. The bill's sponsors have not provided measurable and meaningful data to demonstrate the number of customers who have failed in their efforts to appeal to providers for a hardship exemption or the types and degrees of difficulty encountered by customers who have been unable to locate and secure the services of an alternate provider who either does not charge for paper billing or whose fees are less than an existing provider. Finally, the bill's fine for a first offense is up to \$500. We regard this amount as rather large, particularly because we suspect that it would fall disproportionately on smaller providers. Even more problematically, "first offense" is not clearly defined. It could be interpreted as the first individual billed or all those who are effectively a class of persons billed in a first billing period.

Vote 13-6.

Rep. Paul Terry
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Commerce and Consumer Affairs

HB 76-FN, prohibiting paper billing fees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Terry for the **Majority** of Commerce and Consumer Affairs. This bill prohibits a person from being charged an additional fee for paying by mail or receiving a paper bill statement. The majority of the committee is opposed to the bill for several reasons. There is no evidence that any other state has banned these nominal fees. The majority was also overwhelmingly opposed to exempting all government agencies while adversely impacting a whole range of much smaller providers directly and their customers who pay electronically. The bill's sponsors have not provided measurable and meaningful data to demonstrate the number of customers who have failed in their efforts to appeal to providers for a hardship exemption or the types and degrees of difficulty encountered by customers who have been unable to locate and secure the services of an alternate provider who either does not charge for paper billing or whose fees are less than an existing provider. Finally, the bill's fine for a first offense is up to \$500. We regard this amount as rather large, particularly because we suspect that it would fall disproportionately on smaller providers. Even more problematically, "first offense" is not clearly defined. It could be interpreted as the first individual billed or all those who are effectively a class of persons billed in a first billing period.

Vote 13-6.

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

February 10, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Commerce and
Consumer Affairs to which was referred HB 76-FN,**

**AN ACT prohibiting paper billing fees. Having
considered the same, and being unable to agree with
the Majority, report with the recommendation that the
bill OUGHT TO PASS.**

Rep. Christy Bartlett

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 76-FN
Title:	prohibiting paper billing fees.
Date:	February 10, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill would prohibit an additional charge for paying by mail or receiving a paper billing statement. There are many in our communities who, for various reasons, cannot access a computer to make payments. They may be unable to obtain a secure broadband, may be uncomfortable making payments over the Internet, may not have a checking account or may not understand the intricacies of technology. This affects New Americans, elderly and low-income NH residents disproportionately. The minority felt this was unfair when companies try to compel their customers to reduce the company's costs by disallowing paper payments by making an additional charge.

Rep. Christy Bartlett
FOR THE MINORITY

REGULAR CALENDAR

Commerce and Consumer Affairs

HB 76-FN, prohibiting paper billing fees. **OUGHT TO PASS.**

Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. This bill would prohibit an additional charge for paying by mail or receiving a paper billing statement. There are many in our communities who, for various reasons, cannot access a computer to make payments. They may be unable to obtain a secure broadband, may be uncomfortable making payments over the Internet, may not have a checking account or may not understand the intricacies of technology. This affects New Americans, elderly and low-income NH residents disproportionately. The minority felt this was unfair when companies try to compel their customers to reduce the company's costs by disallowing paper payments by making an additional charge.

Original: House Clerk

Cc: Committee Bill File

Archived: Thursday, April 22, 2021 2:14:20 PM
From: JOHN B HUNT
Sent: Monday, February 15, 2021 11:40:14 AM
To: Carrie Morris; Pamela Keilig
Subject: HB76 majority
Importance: Normal

NH House Commerce and Consumer Affairs Committee

Majority Report re: NH HB 76-FN

Following is the report of committee's majority in recommending this bill as:

This bill prohibits a person from charging an additional fee for paying by mail or receiving a paper bill statement. The Majority is opposed to the bill for several reasons, there is no evidence that any other state has banned these nominal fees and the majority was overwhelming opposed to exempting all government agencies while adversely impacting a whole range of much smaller providers directly, or their customers who pay electronically. The bill's sponsors have not provided measurable and meaningful data to demonstrate the number of customers who have failed in their efforts to appeal to providers for a hardship exemption; or, the types and degrees of difficulty encountered by customers who have been unable to locate and secure the services of an alternate provider who either does not surcharge for paper billing or whose fees are less than an existing provider. Finally, The bill's fine for a first offence is up to \$500. We regard this amount as rather large, particularly because we suspect that it would fall disproportionately on smaller providers. Even more problematically, "first offense" is not defined as the first individual billed, or all those who are effectively a class of billed in a first billing period, brought under scrutiny.

Archived: Thursday, April 22, 2021 2:18:13 PM

From: [Carrie Morris](#)

Sent: Wednesday, February 10, 2021 10:38:59 AM

Subject: HB 76 Minority Report.docx

Last modification date: Wednesday, February 10, 2021 10:38:59 AM

Conversation: HB 76 Minority Report.docx

Attachments: [HB 76 Minority Report.docx](#) ;

Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 76-FN

BILL TITLE: prohibiting paper billing fees.

DATE: February 2, 2021

LOB ROOM: Remote

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Terry

Seconded by Rep. Potucek

Vote: 13-6

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Keith Ammon, Clerk

HOUSE COMMITTEE ON Commerce

EXECUTIVE SESSION ON HB HB76

BILL TITLE:

DATE: 2/2/2021

LOB ROOM: Zoom

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. Terry Seconded by Rep. Potucek Vote: 13-6

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR? Yes X No

Minority Report? X Yes No If yes, author, Rep.: Rep Bartlett Motion: OTP

Respectfully submitted, Rep. Ammon, Clerk



2021 SESSION

Commerce and Consumer Affairs

Bill #: HB76 Motion: ITL AM #: _____ Exec Session Date: 2/3/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	X		
Potucek, John M. Vice Chairman	X		
Osborne, Jason M.	X		
Ammon, Keith M. Clerk	X		
Abramson, Max	X		
Ham, Bonnie D.	X		
Depalma IV, Joseph	X		
Greeson, Jeffrey	X		
Johnson, Dawn M.	X		
Terry, Paul A.	X		
Bartlett, Christy D.		X	
Abel, Richard M.		X	
Herbert, Christopher J.		X	
Van Houten, Constance		X	
Fargo, Kristina M.	X		
Weston, Joyce	X		
Beaulieu, Jane E.		X	
Burroughs, Anita D.		X	
McAleer, Chris R.	X		
TOTAL VOTE:	13-6		

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 76-FN

BILL TITLE: prohibiting paper billing fees.

DATE: January 26, 2021

LOB ROOM: 302 **Time Public Hearing Called to Order:** 10:00 am

Time Adjourned: 10:56 am

Committee Members: Reps. Hunt, Potucek, Ammon, Abramson, Ham, Depalma IV, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer

Bill Sponsors:

Rep. Wazir

Rep. Walz

Rep. Guthrie

Rep. Wolf

Rep. Vail

Rep. Gay

Rep. Stapleton

Rep. Dolan

Rep. Pantelakos

Rep. Schuett

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sponsor Rep. Safiya Wazir *

Prohibiting paper billing fees. Bipartisan sponsorship. Retired constituent in district brought this to her attention. Increasing number of companies charging customers fees for mail in paper bills. Often promoted as discounts for going paperless. Some offer additional discounts to consumers handing over banking information. Average charge is \$3.50/mo. Clearly discriminatory practice that affects low-income families. Research, 80% of consumers think they should not be charged for paper bills. Pandemic showed how many people do not have adequate internet service. 25% of people opt-in for paper. Identity theft from electronic bills. Some opt in for privacy reasons, ie medical records. Submitted written testimony last night.

Questions:

Rep Van Houten

Q: Added a clause, "pay by mail" is this a problem for people who pay by mail?

A: Constituents have received fees for paper billing?

Q: Is that also true for mail-in payments?

A: Don't understand the question.

Hunt: under 359 which falls under consumer protection statutes. Any financial institution, banks, securities, insurance, public utility commissions are exempted from this legislation.

Rep Burroughs

Q: Why is the term "person" included in the bill instead of the corporate entity?

Hunt: Usually penalties with have both.

Smarling: Person is defined as individual as well as corporation.

Rep Abramson

Q: Exempted state agencies from this?

A: Yes, because the state itself needs the revenues.

Q: Seems like the state applying rules and exempting itself and with hefty fines. Quite a bit of money. Can the state charge you a fee for paying the fine by mail?

A: They should follow the law.

Q: Startups have trouble complying with new regulations. Processing costs could be high. Should they just eat the processing costs themselves.

A: This is not new. As technology changes, online payments have become new. Just allows consumers to optin.

Rep Ham

Q: Part II, nothing applies to governmental agencies. Does that include towns, many types of governmental agencies? Many types of consumers? Does this apply to all of them including municipalities?

A: Yes

Rep Terry

Q: We can consider the charges levied to receive a paper bill to be a user fee. If we prohibit charges then the people paying electronically would have to pay? How will people paying electronically be protected from being charge for people receiving bills by mail?

A: It will not be additional fees.

Hunt: The rest of us paying electronically would subsidize those who receive paper billing.

A: I would like to like

Hunt: airlines lowered ticket prices but added baggage fees, for example.

Rep Abel

Q: I believe, this bill would not offer a rebate if someone pays electronically. This bill would still allow discounts for paying electronically.

A: That is correct.

10:24 AM

Rep Walter Stapleton

Testimony

Claremont Ward 3, Sullivan County District 5. Cosponsor to bill. I believe that invoice is a basic and expected responsibility for a business. As a matter of customer service, should be done in the manner that expected. Many people do not have the capability to pay electronically. Many people are not paying attention to their emails and that's a problem, unless they look at the vendors website. Many banks wanting to convert to paperless is a good thing but should not be forced upon to the general consumer. Outages due to storms could cause delays. Also specter of late fees if they miss the bills. This is a preemptive defense against a movement to remove paper from the culture and commerce.

Questions

Rep Greeson

Q: Banks, utilities, state, towns, counties would be exempt, correct? Would apply bill's garage?

A: A large number of people who use anything like that, yes.

Q: Devil's advocate. Shipping and Handling fee could be used to get around this legislation.

A: Great question. Already happening. Amazon, buying item online. Play tricks online. Sometimes in this society we don't give enough attention to clerical aspects of running a business.

Rep Abramson

Q: This is a fine for business who make the mistake of moving to New Hampshire. If they offer a discount for electronic billing.

A: I don't think the bill prohibits that.

Q: If there's a discount isn't that a differential?

A: (unintelligible)

Rep Terry

Q: I'm in sympathy with the thrust of the bill. But I'm deeply troubled by the exemptions. Need to hear the rational for each of the exemptees. Living in a time where deep cynicism for exemptions. Rules for thee but not for me. Deeply troubling.

A: I would have preferred the bill without the exemptions. I'm a cosponsor. Questions should be asked of the sponsor who worked hard on the bill. I like the direction the bill is moving in.

Q: I support the direction that this bill is moving in.

Rep Dianne Schuett *

Testimony

Merrimack 20, cosponsor. I did submit written testimony. Main thrust is protection for seniors who depend on paper billing to keep track of things. I'm a senior citizen myself and also help several senior couples in my community. For them, a lot of their issues is to keep track of things. One reason they have to abandon living in their own home is their inability to take care of their own financial matters. Monthly bills are easier to keep track of. One-time bills are harder to keep track of. Paper copies allow them to keep track of their payments. Most of the people this applies to would not be buying goods or services over the internet. We need to be aware that fees are subject to change.

Rep Van Houten

Q: Covid vaccination rollout featured many elderly people had to register online for vaccinations. Is that a parallel.

A: Seniors were given the option to dial 211 on the telephone for those seniors without access to computer. Definitely the part of our population that this bill is aiming to help. Exemptions for utilities are already in the law.

Rep Abramson

Q: The bill don't apply to consumers, they apply to business that move to New Hampshire. Until wanted to move from Boston to NH, would apply correct?

Hunt: Not a good example. They're a utility.

Rep Suzanne Vail

Testimony

Support HB76. Nashua Ward 3, Hillsborough 30. Cosponsor. I've personally experienced difficulty navigating online bills. Gives a long example of trouble with an online account for a mobile hotspot. Had to pay a \$2 fee to get the bill mailed. Found the mistake, called, and they fixed what I had found. Couldn't find her information on their website. Fees levied by companies that have you over a barrel. We can't allow companies to take away \$2 from our residents. Consideration for elderly. 85 yo dad says, 'knowledge has a half-life of 5 years these days.' Hopes committee will support the bill. You could exempt small companies.

Rep McAleer

Q: What if a company opted out of mail billing altogether?

A: I can't answer. It may be against federal law, but not sure.

Hunt: Example of using a cell phone company. They would not be exempted because there's a free market and one can shop around.

Rep Abramson

Q: Doesn't apply to consumers only businesses in NH? Would this be putting New Hampshire companies at a disadvantage?

A: Not in my opinion.

Respectfully Submitted,

Rep Ammon, Commerce Clerk

HOUSE COMMITTEE ON COMMERCE & CONSUMER AFFAIRS

PUBLIC HEARING on Bill # HB76

BILL TITLE:

DATE: Jan 26, 2021_____

ROOM: Zoom

Time Public Hearing Called to Order: 10:00 AM

Time Adjourned: _____

(please bold if present)

Committee Members: Reps. Hunt, Potucek, Ammon, Osborne, Abramson, Ham, Depalma IV, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer

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A: They should follow the law.

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A: I would have preferred the bill without the exemptions. I'm a cosponsor. Questions should be asked of the sponsor who worked hard on the bill. I like the direction the bill is moving in.

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Q: Covid vaccination rollout featured many elderly people had to register online for vaccinations. Is that a parallel.

A: Seniors were given the option to dial 211 on the telephone for those seniors without access to computer. Definitely the part of our population that this bill is aiming to help. Exemptions for utilities are already in the law.

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Rep McAleer

Q: What if a company opted out of mail billing altogether?

A: I can't answer. It may be against federal law, but not sure.

Hunt: Example of using a cell phone company. They would not be exempted because there's a free market and one can shop around.

Rep Abramson

Q: Doesn't apply to consumers only businesses in NH? Would this be putting New Hampshire companies at a disadvantage?

A: Not in my opinion.

House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill HB76 on 2021-01-26

Support: 12 Oppose: 5 Neutral: 0 Total to Testify: 4

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Schuett, Dianne	dianne.schuett@leg.state.nh.us	603.224.0314	An Elected Official	Cosponsor	Support	Yes (0m)	1/25/2021 3:51 PM
Vail, Suzanne	Suzanne.vail@leg.state.nh.us	603.234.0704	An Elected Official	Hillsborough County 30	Support	Yes (0m)	1/25/2021 5:25 PM
Wazir, Safiya	s.wazir@leg.state.nh.us	603.333.0594	An Elected Official	My constitutes	Support	Yes (0m)	1/21/2021 10:47 AM
Stapleton, Walter	waltstapleton@comcast.net	603.995.1034	An Elected Official	Myself	Support	Yes (0m)	1/24/2021 12:12 PM
Cape, Jared	jared.o.cape.21@dartmouth.edu	603.374.3944	A Member of the Public	Myself	Oppose	No	1/24/2021 6:55 PM
Covello, Lucy	lucyminkcovello@gmail.com	201.892.1052	A Member of the Public	Myself	Support	No	1/25/2021 9:06 AM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Oppose	No	1/25/2021 12:15 PM
Yokela, Josh	josh.yokela@leg.state.nh.us	603.722.0501	An Elected Official	Rockingham 33	Oppose	No	1/25/2021 1:47 PM
Walz, Mary Beth	Mbwalz@leg.state.nh.us	603.225.1968	An Elected Official	Merrimack 23	Support	No	1/25/2021 5:26 PM
Gould, Rep. Linda	lgouldr@myfairpoint.net	603.472.3877	An Elected Official	Myself	Support	No	1/25/2021 6:30 PM
Dolan, Tom	tom.dolan@leg.state.nh.us	603.321.2071	An Elected Official	Myself	Support	No	1/25/2021 8:49 PM
See, Alvin	absee@4Liberty.net	7380656	A Member of the Public	Myself	Oppose	No	1/25/2021 11:13 PM
Hale, Ryan	rhale@nhbankers.com	603.785.2028	A Lobbyist	NH Bankers	Oppose	No	1/26/2021 8:02 AM
Weisbrot, Jason	hideouspenguinboy@gmail.com	857.544.5443	A Member of the Public	Myself	Support	No	1/26/2021 11:59 AM
Levesque, Cassandra	cassandra.levesque@leg.state.nh.us	603.833.8687	An Elected Official	Myself	Support	No	1/26/2021 9:03 AM
McWilliams, Rebecca	Rebecca.McWilliams@leg.state.nh.us	603.227.6494	An Elected Official	Merrimack 27	Support	No	1/22/2021 11:03 AM
Fordey, Nicole	nikkif610@gmail.com	516.318.2296	A Member of the Public	Myself	Support	No	1/22/2021 4:22 PM

Testimony

Archived: Tuesday, April 13, 2021 9:13:57 AM

From: [Safiya Wazir](#)

Sent: Monday, January 25, 2021 6:21:57 PM

To: ~House Commerce Committee

Subject: HB-76 FN Written Testimony

Importance: Normal

Attachments:

[HB76 FN Prohibing paper billing fees \(1\).docx](#) 

Hello Members of the committee,

I'm attaching my written testimony for your record.

Thank you,

Rep. Safiya Wazir

District 17, Ward 8

Concord, N.H. 03301

“Be the change that you wish to see in the world.”

Mahatma Gandhi.

Thank you, members of the committee, I'm here to introduce to you HB 76FN Prohibiting paper billing fees. As you can see, this bill has strong bipartisan sponsorship.

The growing trend of businesses and credit card companies to charge consumers for paper billing was brought to my attention by a constituent who is retired.

I share this constituent's concerns about how these fees penalized people on a fixed income, families struggling to make ends meet, people who live in rural areas without dependable access to the internet, and those who are simply uncomfortable with the risks of putting their financial information online.

The pandemic has even made household finances even harder for many, where every penny does count.

According to the National Consumers League, consumer groups in the United States, Canada, Europe, and Australia have all reported increasing numbers of companies that have begun charging customers who wish to receive and mail in paper bills.

These charges are often presented as "good news" by offering discounts for "going paperless." Some are going further by offering "additional discounts" to those who agree to turn over banking information to allow the companies to deduct their charges directly from the customers' bank account.

Paperless billing is good news for many people, those who have a computer, stable internet, and stable income. But not for everyone.

It's not good news for some NH residents. The National Consumers League cites a typical paper billing charge nationally of \$3.50 a month. I spoke with a New Hampshire family whose cell phone provider offered a \$40 a month discount if they went paperless and provided access to their bank account for auto-pay.

This is clearly a discriminatory practice that penalizes those on a fixed income, people without access to the internet or a computer – often low-income citizens – and honestly any family working hard to meet their many financial obligations.

How many people can be sure that their checking account balance will be enough to cover one or more monthly bills on the date that the business wants to debit their account? According to a survey conducted by the research company Toluna USA, 83 percent of American consumers believe that they should not be charged more as a result of opting for a paper bill.

I suggest if committee members contacted their own constituents on this question, they would find similar results.

This pandemic has brought forth many studies and statistics on how many people do not have adequate Internet service. One article in the NH Business Review stated that 45 to 55 percent of people in many communities in NH said their Internet service was not adequate for their needs.

You might also be thinking of our environment and that avoiding paper billing saves trees. Truthfully, a minority of NH residents will likely opt for this service.

An InfoTrends study showed about 25 percent of people will opt for paper. They do this for certain types of bills, such as medical bills where privacy is important, and for other special bills, not for all of them.

We should be thinking of those who need this service. Once your private records are on the Internet, and perhaps fall into the wrong hands, are compromised or hacked into, it can take years to repair your credit history and you may suffer identity theft and never feel quite safe again.

Having an alternative option for NH residents is ideal. Finances are not the only reason for opting for paper. Often, it's for privacy reasons, as in the case of those who want to keep their medical records private.

My informal research shows that a number of thriving New Hampshire utilities, which are of course in a different category, such as Eversource and TDS Telecom, do not charge extra for paper billing.

They understand this need. This also tells me that they likely face no substantial hardship from continuing to offer customers their own free choice when it comes to billing methods without charging penalties.

I hope you will keep these points in mind and chose to vote in favor HB 76FN "AN ACT prohibiting paper billing fees." It is a very simple step we can take in a bipartisan way to provide a great and necessary benefit to our constituents and to the people of our state. Thank you!

Archived: Tuesday, April 13, 2021 9:17:27 AM
From: Betty Gay
Sent: Tuesday, February 2, 2021 7:08:09 PM
To: ~House Commerce Committee
Subject: HB 76-FN OTP Paper Billing for all the folks who have no computer
Importance: Normal

To Everyone on the House Commerce Committee,

Last Tuesday I had to miss testifying on HB 76-FN because the Health, Human Services and Elderly Affairs Committee was convened all day, from 9 am to 4:30 pm, and continued. So here in a nutshell is my support for the bill:

Billing online and payment online should be an option, not a paid service.
Many people do not have computers, as difficult as that may seem. It is unfair to punish people with additional fees who either cannot use or cannot pay for online services.

As an example, my husband has been a volunteer at Hanscomb for a few years, answering questions from retired military. Many of his callers need answers in writing or at least over the phone because they do not use computers. Equally unfair would the practice be for people who simply cannot afford a computer or have never had the opportunity to learn how to use one.

Thank you for not furthering the divide between the "haves" and the "have nots" with an OTP.
Betty Gay, Representing Salem

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.

AN ACT prohibiting paper billing fees.

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

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

CHAPTER 359-S

PAPER BILLING FEES

359-S:1 Prohibition on Certain Fee Charges.

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

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

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

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

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

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

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

~ END ~

Fiscal Notes

**HB 76-FN- FISCAL NOTE
AS INTRODUCED**

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

Bill as
Introduced

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.

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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.