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Office of Research and Drafting

Legislative Budget Office

H.B. 84
136th General Assembly

Fiscal Note & Local Impact Statement

Click here for H.B. 84's Bill Analysis

Version: As Passed by the House

Primary Sponsors: Reps. Demetriou and Williams

Local Impact Statement Procedure Required: No

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Highlights

- The bill clarifies the Attorney General's enforcement authority over age verification requirements and modifies several of these existing prohibitions. Under the bill, revenue from civil penalties, up to $100,000 per day of violation, will be deposited into the state's existing Consumer Protection Enforcement Fund (Fund 6310) and the Innocence Act Enforcement Fund, created by the bill. Any civil penalties accessed and recouped would partially offset enforcement costs.
- The bill may result in additional civil case filings, which would likely increase the annual operating costs for affected courts of common pleas. Although the magnitude of any increase is not readily quantifiable, it is expected to be minimal and largely absorbed through existing staff and resources.

Detailed Analysis

The bill clarifies the Attorney General's enforcement authority over age verification requirements enacted by H.B. 96 of the 136th General Assembly and modifies several related prohibitions. It authorizes the Attorney General to investigate alleged violations, including administering oaths, subpoenaing witnesses, adducing evidence, and requiring the production of relevant materials. The Attorney General is provided with exclusive enforcement authority over the age verification requirements.

Under current law, the Attorney General is generally prohibited from commencing an enforcement action against an organization within 45 days of providing notice of a violation if the organization cures all violations in the notice and provides a written statement indicating that the violations are cured and agreeing to refrain from further noncompliance. The bill establishes specific circumstances under which the Attorney General may, immediately and without

additional notice, file an enforcement action in the appropriate court of common pleas. In addition, two years after the bill's effective date, the Attorney General will no longer be required to provide notification.

Fiscal effect

Any potential increase in enforcement costs will depend on organizational compliance, the Attorney General's discretion in pursuing cases, and the outcomes of civil actions. While the number of additional actions is uncertain, it is not expected to be significant for any single jurisdiction. The impact on courts of common pleas will depend on the frequency and complexity of such cases, and any increased workload for the Attorney General will largely reflect the extent of investigations and enforcement actions beyond current authority.

The bill permits courts to impose civil penalties of up to $100,000 per day for each violation. Penalties are distributed as follows: 75% to the state's Consumer Protection Enforcement Fund (Fund 6310) and 25% to the Innocence Act Enforcement Fund, created by the bill to cover expenses incurred by the Attorney General's Office. The timing and amount of this revenue are expected to be sporadic and unpredictable. Any penalties collected would offset enforcement costs.

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