

TO: The Honorable Members of the PA House of Representatives

FROM: Allie Kutz, Manager, Government Affairs

DATE: May 5, 2025

RE: **PA Chamber memo: Oppose House Bill 81 – Prohibiting Paper Account Statement Fees**

I write today on behalf of the PA Chamber to urge lawmakers to please oppose House Bill 81, which amends existing Unfair Trade Practices and Consumer Protection Law to prohibit businesses from charging a fee for paper account statements and creates a new private right of action. This legislation is scheduled for consideration by the full House of Representatives today.

H.B. 81 has broad-reaching implications for the business community, including setting a concerning precedent for government to get involved in price-setting and raising persistent enhanced fraud risks associated with mailing financial statements. While we appreciate the intent behind permitting incentives to elect to receive digital statements, this does not mitigate the macro-level issues created by this legislation.

H.B. 81 would designate charging paper account statement fees as an unfair trade practice under Pennsylvania law and creates a new private right of action. The PA Chamber has advocated consistently that enforcement in such matters should be limited to the Attorney General only. Additionally, there is a need for additional exemptions to be included in the bill for already regulated industries.

There is a strong likelihood that if enacted, H.B. 81 would face a serious constitutional challenge. In 2021, a U.S. District Court in New York found a New York statute that prohibited fees for paper billing statements to violate the First Amendment because it limits businesses communication of fees and pricing to their consumers.

There have also been a number of federal court decisions that found prohibitions on credit card surcharges to violate the First Amendment by regulating how businesses communicate their prices and fees. It is reasonable to believe that a prohibition on surcharges for statements by mail would face a similar analysis in Pennsylvania.

For any questions or further discussion, please contact Allie Kutz, Manager of Government Affairs, at akutz@pachamber.org or 717-439-4829.

[Click here](#) to check the PA Chamber Legislative Scorecard.
