

1.1 Senator moves to amend the delete-everything amendment (SCH3438A-3)
1.2 to H.F. No. 3438 as follows:

1.3 Page 1, delete lines 20 to 27

1.4 Page 2, delete lines 1 to 21

1.5 Reletter the paragraphs in sequence

1.6 Page 2, line 26, before "Subdivision" insert "(a)"

1.7 Page 2, after line 31, insert:

1.8 "(b) A delivery platform must comply with the following requirements:

1.9 (1) at the point when a consumer views and selects either a vendor or items for purchase,
1.10 a delivery platform must display in a clear and conspicuous manner that an additional flat
1.11 fee or percentage will be charged. The disclosure must include the additional fee or
1.12 percentage amount; and

1.13 (2) after a consumer selects items for purchase, but prior to checkout, a delivery platform
1.14 must display a subtotal page that itemizes the price of the menu items and the additional
1.15 fee that will be included in the total cost.

1.16 (c) A person offering goods or services in an auction where consumers can place bids
1.17 on the goods or services and the total cost is indeterminable must disclose in a clear and
1.18 conspicuous manner any mandatory fees associated with the transaction and that the total
1.19 cost of the goods or services may vary.

1.20 (d) A person offering services, where the total cost is determined by consumer selections
1.21 and preferences, or relating to distance or time, must disclose in a clear and conspicuous
1.22 manner the factors that will determine the total price, any mandatory fees associated with
1.23 the transaction, and that the total cost of the services may vary.

1.24 (e) A food or beverage service establishment shall be deemed compliant with this section
1.25 if, in every offer or advertisement for the purchase of a good or service that includes pricing
1.26 information, the total price of the good or service being offered or advertised includes a
1.27 clear and conspicuous disclosure of the percentage of any automatic and mandatory gratuities
1.28 to be charged.

1.29 (f) A person shall be deemed compliant with this subdivision if the person providing
1.30 broadband Internet access service on its own or as part of a bundle is compliant with the
1.31 broadband consumer label requirements adopted by the Federal Communications Commission

2.1 in FCC 22-86 on November 13, 2022, codified in Code of Federal Regulations, title 47,
2.2 section 8.1(a).

2.3 (g) A person shall be deemed compliant with this subdivision if they are compliant with
2.4 the pricing requirements adopted by the Federal Communications Commission in FCC
2.5 24-29 on March 19, 2024, codified in United Statutes Code, title 47, section 552."