



180 5th St. E. Ste. 260
St. Paul, MN 55101

651-293-1283
NFIB.com/MN
Twitter: @NFIB_MN

March 11, 2024

House File 3438 (Greenman)

Dear Chair Stephenson and House Commerce Committee Members,

The National Federation of Independent Business (NFIB) represents over 10,000 small businesses across Minnesota. Our mission is to promote and protect the right of our members to own, operate, and grow their businesses.

NFIB Minnesota appreciates the opportunity to comment on HF 3438, which purports to increase consumer price transparency but will likely result in the opposite outcome.

While the desire for consumer transparency is always laudable, this bill imposes an impractical standard for many small businesses. Rather than pursue an unworkable mandate that could reduce transparency, a better solution would mimic the existing credit card surcharge notice requirement. That obligation has existed since 1987 and last year's modernization enhanced transparency for consumers in both physical and online settings.

Credit Card Surcharges: As noted above, current law already effectively addresses this type of surcharge and could serve as a model for other types of fees and surcharges.

HF 3438 would effectively require a retail business to post a cash price and a surcharge price for each product instead of by general posting. For a small convenience or grocery store, this is a major undertaking. Retailers update their prices frequently throughout the year – a time consuming but necessary task to keep pace with wholesale prices – and this bill would necessitate a recalculation and reposting of two sets of prices for each product.

Other Fees & Surcharges: Many service providers – e.g., tree trimming, snow removal, movers, etc. – add a mileage surcharge to the price of the service. In general, the surcharge correlates to the distance between the service provider and the customer.

Adding a mileage surcharge to a displayed price, particularly when the surcharge is based on a precise rate per mile, is not feasible for many small providers.

Similar examples can be found in services or makers that add surcharges for additional weight, different sized spaces, dealing with hazardous substances, or the use of specific materials. In each case, it's difficult to provide a specific inclusive price in advertising without knowing the specifics of a customer or order.

Unintended Consequences: Currently, it's common for service providers to advertise a base rate and include a pricing schedule that explains variable surcharges/fees/costs on top of the base rate based on the specifics of a job/order.

If they are prohibited from displaying anything other than one all-inclusive price, most service providers will require prospective customers to inquire about pricing rather than create a flat rate regardless of the variables of a job/order. From a customer's perspective, this shift will make it harder to quickly compare prices.

We urge the committee to focus on workable solutions that advance consumer transparency without hurting small businesses.



John L. Reynolds
Minnesota State Director
National Federation of Independent Business
john.reynolds@nfib.org



March 10, 2024

Rep. Zack Stephenson
Chair of Commerce, Finance, and Policy

Re: HF 3438, as introduced

Dear Representative Stephenson and members of Commerce, Finance, and Policy:

Thank you for the opportunity to comment on HF 3438 as introduced and for your efforts to provide price transparency to Minnesota consumers.

The Expedia Group (“Expedia”) family of brands is proud to play a key role in Minnesota’s state and local economies by helping travelers to research, plan, and book a wide range of lodging, airline, car rental, and destination experiences across the state. As a leader in the online travel marketplace, we fully support efforts to protect consumers by giving consumers an up-front, complete understanding of the total cost of their bookings. Price transparency is especially important in the travel sector, which is why when consumers search for hotels on Expedia’s platform, our sites show them results that include the total price they would pay for the stay, including taxes and fees that may apply, throughout the booking process.

While Expedia Group does not oppose HF 3438 as introduced, we strongly encourage you to defer action on this bill or to exempt lodging and other travel services in light of active Federal rulemaking and legislation in this space. The travel marketplace is inherently interstate, and neither consumers nor travel businesses are served by a confusing patchwork of state rules that establish different requirements and outcomes depending on a traveler’s state of origin or destination. As a result, Expedia supports efforts currently underway at the Federal Trade Commission (“FTC”) and Congress to establish a consistent and comprehensive standard for advertised prices across the United States.

We respectfully urge you to adopt the following policies to ensure state law is workable and maximally serves Minnesota residents:

- As an intermediary, Expedia does not set prices for the lodging and travel services offered on our platform, nor do we control “resort fees” or other charges that are set by the hotel or other travel provider. We rely on our supply partners like hotels, airlines, and tour operators to provide us with complete and accurate fee information so we can, in turn, display a comprehensive total price to travelers on our platform. HF 3438 should not hold intermediaries liable for circumstances in which we were not provided full and accurate information from suppliers, a concept enshrined in many marketplace tax laws.
- Given the progress being made at the Federal level, we recommend amending HF 3438 to sunset its provisions in the event that either the FTC or Congress establishes a national standard for



advertised prices. Minnesota’s travelers—and travelers considering Minnesota as a destination—are best served by a single standard that allows for consistent, clear expectations for advertised prices.

- Given the goal of creating consistency in advertised prices, the definition of “Mandatory Fees” in Section 15 (iii), line 2.20, of the bill risks creating inconsistent consumer experiences since businesses could interpret a reasonable consumer’s expectations differently. We recommend striking the language, “a reasonable consumer would expect to be included in the purchase of the goods or services being advertised” in Section 15 (iii).
- Finally, consumers search for travel services across a diverse travel ecosystem including direct booking channels (e.g., a hotel or airline’s own website), Online Travel Agencies or “OTAs” like Expedia, and metasearch products like search engines and other aggregators. Thank you for ensuring standards for price inclusivity apply to anyone who advertises a price for lodging and other travel services to ensure the consumer protection applies regardless of the point of sale or search.

Again, we are grateful for your important work to establish transparent, consistent, and equitable marketplace pricing for Minnesota travelers and Minnesota travel businesses alike, and we welcome the opportunity to discuss these issues with you further.

Please do not hesitate to contact me if there is any additional information we can provide.

Thank you,

Mackenzie Chase
Regional Manager, Minnesota
Expedia Group
MaChase@ExpediaGroup.com



House Commerce Finance & Policy
Minnesota House of Representatives
449 State Office Building
St. Paul, MN 55155

Subject: Testimony in Support of HF3438 Banning Junk Fee Legislation

Chair Stephenson and Members of the Committee,

My name is Matt Keliher. I am a Saint Paul resident and a State and Local Policy Specialist at the American Economic Liberties Project, which is a research and advocacy organization dedicated to reducing the power corporations wield over our economy and democracy. I am here today to voice my strong support for HF3438, the proposed legislation to ban junk fees in Minnesota.

This bill is a crucial step towards protecting consumers from unfair pricing tactics. Hidden and deceptive junk fees have become pervasive in a variety of industries: We've likely all seen them on live events tickets – I know I've paid plenty of junk fees to see the Timberwolves play – but they're also levied on hotel reservations, cable and phone bills, rental housing, storage unit rentals, food delivery services and more. These fees are tacked on at or near the end of transactions without consumers' prior knowledge or consent, drastically altering the final price of a product or service from the price that was initially advertised.

Research has shown that junk fees raise prices by as much as 20 percent and cost the average American family more than \$3,000 per year. Across the entire economy, these fees add up. Last week, at the State of The Union, President Biden pointed out that his administration is eliminating billions in junk fees. State legislators have a vital role to play to support that work and ensure that Minnesota can enforce rules against junk fees within our state.

By passing this legislation, you can guarantee that Minnesotans have access to transparent pricing information, allowing them to make informed decisions about their purchases through honest comparison shopping. Banning junk fees empowers individuals by providing them with the knowledge that the price they see is the actual price of the product, and allows consumers to

navigate the marketplace with trust and confidence. It enhances consumer protection and promotes a more equitable economy that works for everyone.

Moreover, it sends a clear message to corporations that these deceptive pricing practices will not be tolerated in Minnesota. Upfront pricing practices promote healthy competition among businesses, driving innovation and improved quality in the market, and protect honest businesses by no longer privileging corporations that depend on bogus fees to capture market share. Corporations should be transparent about the costs associated with their products and services, rather than resorting to hidden fees to boost their profits. Local businesses with transparent pricing practices shouldn't be harmed by appearing artificially more expensive than those that rely on hidden fees.

To be clear, this legislation only covers *mandatory fees* that the consumer can not avoid. It does not tell businesses what price they can charge, and it does not prevent the use of optional add-ons that the consumer affirmatively chooses. It simply says that if a fee must be paid in order to complete the transaction, that fee must be disclosed, up front, so consumers know the actual price they are agreeing to pay.

The public overwhelmingly supports this sort of legislation. 86 percent of Minnesotans support it, including 93 percent of Democrats, 87 percent of independents, and 78 percent of Republicans. Junk fees damage the purchasing power of Minnesotans and impact our ability to know the true costs of the things we need. From parents trying to maintain a family budget, to renters that just want to know how much will be on their monthly bill, to senior citizens living on a fixed income, junk fees are bad for Minnesota's economy.

So I urge you to support Representative Greenman's bill to ban junk fees. By doing so, you will help ensure that consumers are treated fairly and honestly in the marketplace, and that businesses engage in fair competition based on quality and service, not deception. Thank you for considering my testimony today.

Sincerely,

Matt Keliher
State and Local Policy Specialist
American Economic Liberties Project
mkelihher@economicliberties.us



**Testimony of
Mike Blank
CTIA**

**In Opposition to
HF 3438**

**Before the
Minnesota House Commerce Committee**

March 11, 2024

On behalf of CTIA®, the trade association for the wireless communications industry, I write in opposition to the inclusion of the wireless industry in HF 3438, related to price transparency for consumer goods and services. We appreciate the goal of protecting consumers from practices that may undermine a consumer's ability to make informed commercial decisions, and our industry is committed to ensuring consumers have accurate and transparent information, however existing federal wireless service regulations already protect consumers.

Adequate Federal Regulation of the Wireless Industry Already Exists

The wireless industry is currently regulated by the FCC, which has its own regulatory regime to protect consumers from surprise or unfair fees and billing practices, including its broadband labeling and Truth-in-Billing policies and proceedings. The FCC's rules already require the wireless industry to convey relevant information to consumers and prevent unfair or deceptive fees. These rules and policies effectively prevent and hold wireless providers responsible for any unfair or deceptive fees.



FCC Broadband Labeling: Implementing a recent Congressional directive, the FCC adopted requirements for broadband labeling in 2023.¹ These requirements will ensure consumers are given clear, accurate, and transparent information to guide their purchasing decisions. Under these new broadband consumer label rules, all wireless consumers will have access to easy-to-understand labels modeled on the nutrition labels that appear on food products. These labels will clearly lay out key information about prices (including monthly and one-time fees, and the availability of discounts and bundles), the amount of data included in the base price, typical upload and download speeds that consumers can expect, and a provider’s network management and privacy practices. Importantly, in adopting its directive, Congress clearly intended that the FCC should regulate the advertising of broadband on a *national* level.² During its comprehensive consideration of broadband price transparency in connection with the broadband label rulemaking, the FCC considered and rejected the concept of “all-in” pricing. The state of Minnesota should not enact laws where Congress has expressly directed a federal agency to regulate for the country, as is the case here.

FCC’s Truth-in-Billing: For nearly two decades, wireless voice providers have abided by the FCC’s Truth-in-Billing requirements, which are broad, binding principles that ensure voice providers offer information on customers’ bills that is clear and not misleading.³ The Truth-in-Billing rules have also served to help protect consumers from fraud and unauthorized third-party charges. Importantly, the FCC created a comprehensive framework that affords providers flexibility in their billing

¹ See *Empowering Broadband Consumers Through Transparency*, Order, CG Docket No. 22-2, DA 23-617 (CGB rel. July 18, 2023).

² Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 60504(a), 135 Stat. 429, 1244 (2021).

³ *Truth-in-Billing and Billing Format*, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 7492 (1999) (“FCC Truth-in-Billing R&O”); *Truth-in-Billing and Billing Format; National Association of State Utility Consumer Advocates’ Petition for Declaratory Ruling Regarding Truth-in-Billing*, Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking, 20 FCC Rcd 6448 (2005).



procedures without discouraging the introduction of new pricing plans or impairing the ability of providers to adopt improvements to their billing systems or bill structures.⁴

FTC Regulations: The Federal Trade Commission (“FTC”) has pending proceedings regarding unfair and deceptive consumer fees, whereby it proposes provisions applicable to the wireless industry that are preemptive at best, and duplicative or inconsistent at worse, with this legislation. In November 2023, the FTC published a Notice of Proposed Rulemaking (“FTC NPRM”) that proposes to prohibit unfair or deceptive practices relating to fees for goods or services.⁵ The rule, if adopted, would prohibit businesses from offering, displaying, or advertising amounts consumers may pay without clearly and conspicuously disclosing the “Total Price,” as considered in the legislation.

Title 47 U.S.C.: It is not clear if the requirements in the bill is consistent with federal law, which plainly states that “no State or local government shall have any authority to regulate the entry of or *the rates charged by* any commercial mobile service . . . except that this paragraph shall not prohibit a State from regulating the *other* terms and conditions of commercial mobile services.”⁶ It is also not clear if the proposed exception in the legislation for taxes or fees would include the wide range of monies wireless providers collect at the behest and with the blessing of government regulators.

Industry Commitments and the *Consumer Code for Wireless Service*⁷

In the competitive wireless marketplace, CTIA and its members have established the *Consumer Code for Wireless Service* —an evolving set of principles designed to help consumers make informed decisions when selecting wireless services. This code has been regularly updated since it

⁴ See FCC Truth-in-Billing R&O, 14 FCC Rcd at 7499, ¶ 10

⁵ See Trade Regulation Rule on Unfair or Deceptive Fees, 88 Fed. Reg. 77420 (Nov. 9, 2023).

⁶ 47 U.S.C. § 332(c)(3)(A) (emphasis added); see also, e.g., *MCI Telecommunications Corp. v. FCC*, 822 F.2d 80 (D.C. Cir. 1987).

⁷ CTIA, *Consumer Code for Wireless Service* (2020), <https://api.ctia.org/wp-content/uploads/2020/03/CTIA-Consumer-Code-2020.pdf> (“*Consumer Code for Wireless Service*”).



was first created nearly 20 years ago. Importantly, more than half of the principles contained in the *Consumer Code for Wireless Service* speak to this important issue, with disclosure of rates and terms of service being the first commitment. Further, Principle 5 *establishes a commitment to “clearly and conspicuously” disclosing material charges.*

Existing Wireless Service Regulations Already Protect Consumers

CTIA urges Minnesota to recognize the dynamics within the competitive wireless marketplace and refrain from imposing a new state law on the industry that would be unnecessary, duplicative, and not in the consumer interest given existing regulation. If Minnesota ultimately enacts a law regarding unfair and deceptive fees, any new law should look to limit the scope to specific industries that don't face the same robust regulation by the federal government.



Legal Services Advocacy Project

March 8, 2024

The Honorable Zach Stephenson
Chair, Commerce Finance and Policy Committee
Minnesota House of Representatives
449 State Office Building
St. Paul, MN 55155

The Honorable Tim O'Driscoll
Republican Lead, Commerce Finance and Policy Committee
Minnesota House of Representatives
237 State Office Building
St. Paul, MN 55155

Re: SF 3438 – Disclosure of Mandatory Fees

Dear Chair Stephenson, Lead O'Driscoll, and Members of the Commerce Finance and Policy Committee:

Legal Aid writes in support of SF 3438, which makes it a deceptive practice to fail to disclose mandatory fees in advertising, displays, and price offerings. Legal Aid provides civil legal services to low-income Minnesotans, Minnesotans with disabilities, and elder Minnesotans, statewide, to help them meet their basic needs.

As one commentator correctly noted, “[a] some point, every consumer has bought something and then found themselves surprised by the hidden fees and countless documents that must be signed as part of the purchase.”¹ The Federal Trade Commission concludes that hidden fees “harm consumers and undercut honest businesses” and “can cost consumers tens of billions of dollars per year in unexpected costs.”²

HF 3438 would enhance consumer protection by simply and appropriately requiring transparency to ensure that consumers very clearly understand what the true cost of a product or service is as they decide whether to proceed with a purchase. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ron Elwood".

Ron Elwood
Supervising Attorney

¹ Ethan E. Schroeder, *All Aboard? Missouri Statute Risks Failing to Protect Consumers from Hidden Fees and Deceptive Practices of Prominent Companies Mckeage v. Tmbc, LLC*, 847 F.3d 992 (8th Cir. 2017), 88 Mo. L. Rev. 273 (2023).

² Federal Trade Commission, *FTC Proposes Rule to Ban Junk Fees Proposed rule would prohibit hidden and falsely advertised fees*, October 11, 2023; <https://www.ftc.gov/news-events/news/press-releases/2023/10/ftc-proposes-rule-ban-junk-fees>.

Junk Fees Are Everywhere

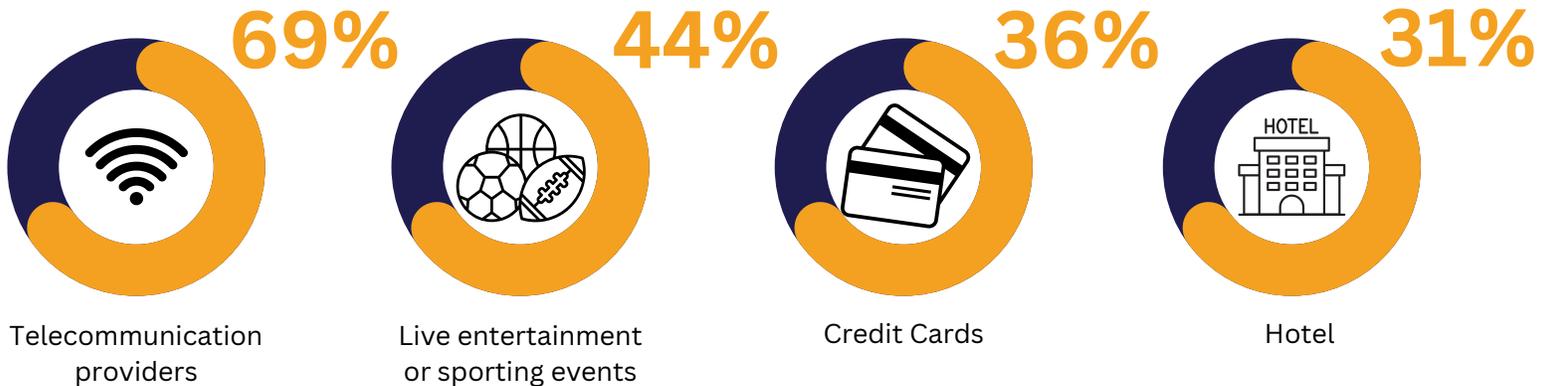
Corporations in Minnesota are employing underhanded tactics to hike prices on families already struggling to meet basic expenses. On average, **Minnesota households shell out over \$3,000 annually for these "junk fees,"** which artificially inflate prices without offering any tangible benefits.

85%

Minnesotans encounter these fees.

These sneaky charges, often disguised as "service" or "convenience" fees, sneak into your checkout cart when booking a rental car, purchasing tickets to a Twins game, upgrading your phone, reserving a hotel room, paying rent, securing a storage unit, and the list goes on.

Where did you experience a hidden fee in the last year?



*Source: 2018 Consumer Reports nationally representative survey of 2,057 adults

Level the playing field and mandate pricing transparency

The legislature is considering HF3438/SF3537, which requires disclosure of all fees and charges in the advertised and displayed price of any good or service. This move would provide consumers with a clear, upfront understanding of a product's total cost and discourage the use of hidden fees to exploit hardworking Minnesota families.

By mandating upfront disclosure of all fees in advertised prices, Minnesota can shield families from exploitation and promote fairness in the economy.

I am a full time working mother, with three children in Minnetonka, Minnesota. **Planning for all of life's expenses is difficult, when costs are not clearly transparent for budgeting for a family of five.** Tickets to events, mobile phone bills and airline fees are all examples I see often where added fees are tacked on to the final amount.

Sara, Minnetonka

Official Comment FTC Junk Fees Rule Docket ID: FTC-2023-0064

My biggest complaint about fees is from the investment advisor, Edward Jones. **I have no idea how they came up with a "retirement fees."** Then, they jacked up annual fees and divided my account between before and after fiduciary regulations went into effect. And, that's after they charged 4% up front and left me in funds that lost mine over an entire decade.

Paige, Aitkin

Official Comment FTC Junk Fees Rule Docket ID: FTC-2023-0064

I am being charged \$4.35 monthly for the landlord to assess my utility bills. It is just for the company that services the holding company that owns the building. The only reason I am being charged is to pay the LLC for using a service that they require!

Deborah, Eagan

Official Comment FTC Junk Fees Rule Docket ID: FTC-2023-0064

As a senior citizen **living on a fixed income, it is challenging to determine the true cost of things when add ons** are then added to the price. It is difficult to do comparison shopping and it wastes time better spent elsewhere. It is difficult enough to do comparison shopping for health care and insurance premiums without having to shop for airline or concert tickets.

Chris, Minneapolis

Official Comment FTC Junk Fees Rule Docket ID: FTC-2023-0064

Minnesotans Want a Ban on Junk Fees



86%

of Minnesotans would support lawmakers taking action to ban "junk fees"

including 93% of Democrats
87% of Independents
78% of Republicans

only 10% of Minnesotans oppose it

March 8, 2024

Commerce Finance and Policy Committee
Minnesota House of Representatives
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Re: Support for HF3438

Dear Chair Stephenson and Committee Members:

I am the Director of Consumer Protection for Consumer Federation of America (CFA). CFA is an association of over 250 nonprofit consumer organizations, established to advance the consumer interest through research, education, and advocacy. CFA has supported efforts nationwide to fight junk fees, including various legislative proposals to bring transparency and accountability to the consumer experience of shopping for goods and services.

HF3438 is responsive to the national call to address junk fees, an issue that an overwhelming bipartisan majority of Americans support. A December 2023 survey of voters across the country reports that over 77% of voters — including 81% of Democrats, 78% of Independents, and 72% of Republicans – support federal industry-wide junk fee prevention legislation.¹

Junk fees are not only annoying – they are costly and harmful. Businesses frequently engage in drip and partitioned pricing, displaying a low price then tacking on additional mandatory fees after the consumer has invested their time and is less likely to spend more time responding to other similarly deceptive offers. This frustrating process leads to higher consumer prices and reduced economic competition. It is particularly harmful for low-income consumers, as junk fee practices can push them into a debt spiral that is increasingly difficult to escape. After seasons of record high inflation, Minnesotans feel tremendous pressure as businesses find new ways to hide more and more administrative, convenience, processing, and late fees to essential and recurring consumer goods and services. HF3438 would require businesses to transparently display their total price up front, ensuring that marketplace participants are required to play by the same rules.

Minnesotans are tired of being nickel and dimed by deceptive and harmful junk fee practices. Passing HF3438 will create a marketplace where Minnesotans can be informed and confident about how they spend their money, rather than feeling deceived and tricked into paying more than they bargained for.

Sincerely,



Erin Witte

ewitte@consumerfed.org

¹ [Data For Progress, “Voters Support Initiatives to Lower Drug Costs, Ban Junk Fees, and Strengthen Supply Chains,” Dec. 12, 2023.](#)



TECHNET
THE VOICE OF THE
INNOVATION ECONOMY

TechNet | Telephone 630.400.3439
P.O. Box 10544 Chicago, IL 60610
www.technet.org | @TechNetMidwest

March 8, 2024

The Honorable Emma Greenman
Minnesota House of Representatives
Room 433, State Office Building
100 Rev. Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155-1232

RE: HF 3537 – Oppose

Dear Representative Greenman,

TechNet must respectfully oppose HF 3438 (Greenman), as introduced, which is intended to provide consumers with greater price transparency for consumers, but as drafted would be unworkable for many of our member companies. We appreciate your consideration of our suggested changes and look forward to reviewing the amendment that is not available as of this writing.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.2 million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

Technology-enabled platforms have transformed the way that goods and services can be accessed, offering consumers the ability to complete transactions online and on-demand. The amendments we suggested would address the unique nature of these platforms and the services they provide, avoiding the problems in the original bill which undermine Minnesota's commitment to the innovation economy. In addition, passing legislation in this area should be delayed until overlapping FTC rulemaking proceedings are complete so as to avoid conflicts and ambiguities between the two. It is prudent to allow that process to unfold, during which the full impacts across all industries will be carefully considered, before the State acts.

With that said, the language we offered would address many of our concerns. However, the bill as drafted is problematic for many reasons. There is an important distinction between fixed pricing models, where companies know all of the applicable fees for their goods or services upfront, and dynamic pricing models, which consider a range of factors in their pricing process. Companies in the gig economy are an example of the latter, with many offering online marketplaces that serve as intermediaries between a consumer and a participating seller. In any such transaction, there are more than two parties involved. Unlike traditional business models that consumers may be more accustomed to, gig economy platforms provide prices for more than one "seller." For some platforms, the participating seller offers a good or service and, importantly, is responsible for setting the price of that good or service. The item's listing on the platform is then expected to reflect that price.

Separately, once the consumer selects the goods or services they want to purchase, the platform assesses its own fees. These fees represent a distinct service from a different party in the transaction – those of the platform itself. These may include what are often considered as “service fees,” and they are what make it possible for a platform to be profitable. They cover a range of essential services that promote safety and reliability, including the cost of building and maintaining technology interfaces, insurance, payment facilitation fees, technical assistance, security, onboarding and background checks, marketing, and customer support, among other things.

Many gig economy platforms commonly assess their fees as a percentage of the order subtotal rather than a flat fee. While it makes sense that the existence of these fees should be disclosed upfront, the amount cannot be included in the price until it is ascertainable. Fees may vary between trips, markets, or different product or service offerings. Fees may also vary depending on factors such as a consumer’s preferences, which are in many cases selected later in the purchasing process – delivery type, for instance. With these kinds of platforms, percentage-based fees are often more equitable than charging a single flat fee to all consumers upfront. For example, because larger order sizes typically cost more money to fulfill or deliver, it makes sense that the fee incurred to complete the order should scale with the order size. If not, small-order consumers will pay the same fees as large- order consumers, which is not a fair way of distributing a platform’s costs.

Platforms should retain the ability to calculate their fees according to their pricing models. Requiring them to predetermine those fees upfront risks negatively impacting the level, pricing, and quality of the services provided. Providing those fees upfront would prevent platforms from accounting for any factor that they are unable to ascertain immediately.

TechNet fully supports the goal of HF 3438, which is to prohibit the deceptive price advertising practice of hiding unavoidable fees. We agree – consumers deserve price transparency. For this reason, TechNet stands prepared to work with you to ensure the bill meets its goals, while also taking into consideration the different business models that would be upended should this be enacted. Unfortunately, without having seen the author’s amendment at this time this letter had to be submitted, we must oppose HF 3438.

We look forward to reviewing the amendment and providing additional feedback based on those changes. If you have any questions regarding TechNet’s position on this bill, please me at tdiers@technet.org or 630-400-3439.

Sincerely,



Tyler Diers
Executive Director, Midwest
TechNet