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SENATE BILL NO. 1332

Offered January 13, 2025

Prefiled January 13, 2025

A BILL to amend and reenact §§ 2.2-517, 46.2-117, 46.2-118, 46.2-119, 46.2-1232, 46.2-1233.2, 46.2-1233.3, and 59.1-200, as it is currently effective and as it shall become effective, of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 56-41.2; and to repeal §§ 46.2-1233 and 46.2-1233.1 of the Code of Virginia, relating to trespass towing fees; State Corporation Commission to establish; report.

Patron—Marsden

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-517, 46.2-117, 46.2-118, 46.2-119, 46.2-1232, 46.2-1233.2, 46.2-1233.3, and 59.1-200, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-41.2 as follows:

§ 2.2-517. Division of Consumer Counsel created; duties.

A. There is created in the Department of Law a Division of Consumer Counsel (the Division) that shall represent the interests of the people as consumers.

B. The duties of the Division shall be to:

1. Appear before governmental commissions, agencies and departments, including the State Corporation Commission, to represent and be heard on behalf of consumers' interests, and investigate such matters relating to such appearance.

2. Make such studies related to enforcing consumer laws of the Commonwealth as deemed necessary to protect the interests of the consumer and recommend to the Governor and General Assembly the enactment of such legislation deemed necessary to promote and protect the interests of the people as consumers.

C. In addition, the Division shall:

1. Establish mechanisms by which to receive complaints and related inquiries from the Commonwealth's consumers involving violations or alleged violations of any law designed to protect the integrity of consumer transactions in the Commonwealth. Such mechanisms shall include establishing a statewide, toll-free telephone hotline to be administered by the Division; publicizing the existence of such hotline through public service announcements on television and radio and in newspapers and other media deemed necessary, convenient, or appropriate; and enhancing electronic communication with the Division through the Internet;

2. Establish and administer programs that facilitate resolution of complaints and related inquiries from the Commonwealth's consumers involving violations or alleged violations of any law designed to protect the integrity of consumer transactions in the Commonwealth. Such programs may utilize paid or unpaid personnel, law schools or other institutions of higher education, community dispute resolution centers, or any other private or public entity, including any local offices of consumer affairs established pursuant to § 15.2-963 that volunteer to participate in a program;

3. Promote consumer education in cooperation with the Department of Education and inform the public of policies, decisions, and legislation affecting consumers;

4. Serve as a central coordinating agency and clearinghouse for receiving and investigating complaints by the Commonwealth's consumers of illegal, fraudulent, deceptive or dangerous practices and referring appropriate complaints to the federal, state, and local departments or agencies charged with enforcement of consumer laws;

5. Maintain records of consumer complaints and their eventual disposition, which records shall be open for public inspection, provided that information disclosing the business interests of any person, trade secrets, or the names of customers shall be held confidential except to the extent that disclosure of such matters may be necessary for the enforcement of laws; and

6. Have the authority, in the same manner as provided in § 59.1-308.2, to inquire into consumer complaints regarding violations of § 46.2-1231 or 46.2-1233.1 involving businesses engaged in towing vehicles or to refer the complaint directly to the appropriate local enforcement officials.

D. In addition, the Division may inquire into consumer complaints involving towing and recovery operators and tow truck drivers regarding violations of § 46.2-118, 46.2-1217, or 46.2-1231; or 46.2-1233.1.

E. The Division, in all investigations connected with enforcing consumer laws and appearances before governmental bodies shall, on behalf of the interests of the consumer, cooperate and coordinate its efforts with such commissions, agencies and departments in ensuring that any matters adversely affecting the interests of the consumer are properly controlled and regulated. The appearance of a representative of the

59 Division before any governmental body shall in no way limit or alter the duties of such governmental body.

60 F. The Attorney General may employ and fix the salaries of such attorneys, employees and consultants,
61 within the amounts appropriated to the Attorney General for providing legal service for the Commonwealth,
62 and other services as may be provided for by law, as he may deem necessary in the operation of the Division
63 of Consumer Counsel to carry out its functions.

64 **§ 46.2-117. Revocation and suspension of registration of tow truck driver; notice and hearing;
65 assessment of costs.**

66 A. Upon receipt of written notice from the Division of Consumer Counsel of the Office of the Attorney
67 General that it has obtained a civil judgment against a tow truck driver for a violation of subsection A of §
68 46.2-118 or § 46.2-1217; *or* 46.2-1231; ~~or 46.2-1233.1~~, or upon the failure of a tow truck driver to report to
69 the Department within 10 days any conviction for a felony or misdemeanor that occurred while he is
70 registered in accordance with § 46.2-116, the Department may revoke or suspend the registration of a tow
71 truck driver after notice and hearing as provided in subsection C.

72 B. Furthermore, the Department shall, after notice and hearing as provided in subsection C, revoke or
73 suspend the registration of a tow truck driver for:

74 1. Conviction of any crime for which a person must register with the Sex Offender and Crimes Against
75 Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or in a substantially similar law of any
76 other state, the United States, or any foreign jurisdiction;

77 2. Conviction of a violent crime as defined in subsection C of § 17.1-805; or

78 3. Conviction of any crime involving the driving of a tow truck, including drug or alcohol offenses, but
79 not traffic infraction convictions.

80 C. Before suspending or revoking any registration, reasonable notice of such proposed action shall be
81 given to the tow truck driver by the Department in accordance with the provisions of § 2.2-4020 of the
82 Administrative Process Act. In suspending or revoking the registration of a tow truck driver, the Department
83 may assess the tow truck driver the cost of conducting the hearing unless the Department determines that the
84 violation was inadvertent or done in a good faith belief that such act did not violate a statute. Any costs
85 assessed by the Department shall be limited to (i) the reasonable hourly rate of the hearing officer and (ii) the
86 actual cost of recording the hearing.

87 **§ 46.2-118. Prohibited acts by tow truck drivers and towing and recovery operators.**

88 A. No tow truck driver shall:

89 1. Use fraud or deceit in the offering or delivering of towing and recovery services;

90 2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the
91 public;

92 3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

93 4. Obtain any fee by fraud or misrepresentation;

94 5. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the
95 request of a law-enforcement officer to any location outside the Commonwealth;

96 6. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the
97 offering or delivery of towing and recovery services; or

98 7. Drive by the scene of a wrecked or disabled vehicle for which a law-enforcement tow has been initiated
99 by a law-enforcement agency, initiate contact with the owner or operator of such vehicle by soliciting or
100 offering towing services, and tow such vehicle.

101 B. No towing and recovery operator shall:

102 1. Use fraud or deceit in the offering or delivering of towing and recovery services;

103 2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the
104 public;

105 3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

106 4. Neglect to maintain on record at the towing and recovery operator's principal office a list of all drivers
107 employed by the towing and recovery operator;

108 5. Obtain any fee by fraud or misrepresentation;

109 6. Advertise services in any manner that deceives, misleads, or defrauds the public;

110 7. Advertise or offer services under a name other than one's own name;

111 8. Fail to accept for payment cash, insurance company check, certified check, money order, or at least one
112 of two commonly used, nationally recognized credit cards, except those towing and recovery operators who
113 have an annual gross income of less than \$10,000 derived from the performance of towing and recovery
114 services shall not be required to accept credit cards, other than when providing police-requested towing as
115 defined in § 46.2-1217, but shall be required to accept personal checks;

116 9. Fail to display at the towing and recovery operator's principal office in a conspicuous place a listing of
117 all towing, recovery, and processing fees for vehicles;

118 10. Fail to have readily available at the towing and recovery operator's principal office, at the customer's
119 request, the maximum fees normally charged by the towing and recovery operator for basic services for
120 towing and initial hookup of vehicles;

121 11. Knowingly (i) charge fees in violation of those set pursuant to § 56-41.2, (ii) charge fees in excess of
 122 limits on storage fees, administration fees and additional fees for towing vehicles with a gross vehicle weight
 123 rating of more than 10,000 pounds established by the governing body of a locality by ordinance pursuant to §
 124 46.2-1232, or (ii) charge excessive fees for towing, storage, or administrative services or charge fees for
 125 services not rendered;

126 12. Fail to maintain all towing records, which shall include itemized fees, for a period of one year from
 127 the date of service;

128 13. Willfully invoice payment for any services not stipulated or otherwise incorporated in a contract for
 129 services rendered between the towing and recovery operator and any locality or political subdivision of the
 130 Commonwealth;

131 14. Employ a driver required to register with the Sex Offender and Crimes Against Minors Registry
 132 pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1;

133 15. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the
 134 request of a law-enforcement officer to any location outside the Commonwealth;

135 16. Refuse, at the towing and recovery operator's place of business, to make change, up to \$100, for the
 136 owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for towing and
 137 storage of the vehicle;

138 17. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the
 139 offering or delivery of towing and recovery services;

140 18. Fail to provide the owner of a stolen vehicle written notice of his right under law to be reimbursed for
 141 towing and storage of his vehicle out of the state treasury from the appropriation for criminal charges as
 142 required in § 46.2-1209;

143 19. Refuse to allow, consistent with the protections detailed in the provisions of subsection E of §
 144 46.2-644.01, the owner of the vehicle towed, upon proof of ownership of the vehicle, to access and recover
 145 any personal items without retrieving the vehicle and without paying any fee; or

146 20. Require an individual who appears to retrieve a vehicle towed to provide to the towing and recovery
 147 operator, in addition to payment of fees, any document not otherwise required by law before releasing the
 148 vehicle to the individual.

149 C. No tow truck driver as defined in § 46.2-116 or towing and recovery operator as defined in § 46.2-100
 150 shall knowingly permit another person to occupy a motor vehicle as defined in § 46.2-100 while such motor
 151 vehicle is being towed.

152 D. No tow truck driver or towing and recovery operator as defined in § 46.2-116 shall cause any other
 153 person to solicit or offer towing services in any manner, directly or indirectly, at the scene of any wrecked or
 154 disabled motor vehicle upon a highway, as defined in § 46.2-100, when such wrecked or disabled motor
 155 vehicle reasonably necessitates removal by a tow truck. In addition to any penalty authorized pursuant to this
 156 title, any tow truck driver or towing and recovery operator violating the provisions of this subsection shall be
 157 guilty of a Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor for any subsequent
 158 offense.

159 **§ 46.2-119. Complaints against tow truck drivers or towing and recovery operators; enforcement by**
 160 **the Office of the Attorney General.**

161 A. Any consumer aggrieved by the actions of a (i) tow truck driver for an alleged violation of subsection
 162 A of § 46.2-118 or § 46.2-1217; *or* 46.2-1231; ~~or 46.2-1233.1~~ or for fees allegedly charged in violation of
 163 those set pursuant to § 56-41.2 or (ii) towing and recovery operator for an alleged violation of subsection B of
 164 § 46.2-118 or § 46.2-1217; *or* 46.2-1231; ~~or 46.2-1233.1~~ may file a complaint with the Division of Consumer
 165 Counsel of the Office of the Attorney General for appropriate action in accordance with this section and any
 166 other applicable law.

167 B. The Attorney General may cause an action to be brought in the appropriate circuit court in the name of
 168 the Commonwealth to enjoin any violation of § 46.2-118, 46.2-1217, *or* 46.2-1231; ~~or 46.2-1233.1~~. The
 169 circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate
 170 remedy at law. In any action under this section, it shall not be necessary that damages or intent be proved to
 171 establish a violation. The standard of proof at trial shall be a preponderance of the evidence. The circuit court
 172 may issue temporary or permanent injunctions to restrain and prevent violations of § 46.2-118, 46.2-1217, *or*
 173 46.2-1231; ~~or 46.2-1233.1~~.

174 C. In any action brought under this section, the Attorney General may recover damages and such other
 175 relief allowed by law, including restitution on behalf of consumers injured by violations of § 46.2-118,
 176 46.2-1217, *or* 46.2-1231; ~~or 46.2-1233.1~~, as well as costs and reasonable expenses incurred by the
 177 Commonwealth in investigating and preparing the case, including attorney fees.

178 **§ 46.2-1232. Localities may regulate removal or immobilization of trespassing vehicles.**

179 A. The governing body of any county, city, or town may by ordinance regulate the removal of trespassing
 180 vehicles from property by or at the direction of the owner, operator, lessee, or authorized agent in charge of
 181 the property. In the event that a vehicle is towed from one locality and stored in or released from a location in
 182 another locality, the local ordinance, if any, of the locality from which the vehicle was towed shall apply. *The*

183 *provisions of this section shall not authorize the governing body of any county, city, or town to establish fees*
 184 *for such removal, which shall be established as provided in § 56-41.2, except that the governing body of any*
 185 *county, city, or town may by ordinance allow for and establish reasonable limits on storage fees,*
 186 *administration fees, and additional fees for towing vehicles with a gross vehicle weight rating of more than*
 187 *10,000 pounds.*

188 B. No local ordinance adopted under authority of this section shall require that any towing and recovery
 189 business also operate as or provide services as a vehicle repair facility or body shop, filling station, or any
 190 business other than a towing and recovery business.

191 C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain
 192 photographs or other documentary evidence substantiating the reason for the removal; (ii) post signs at their
 193 main place of business and at any other location where towed vehicles may be reclaimed conspicuously
 194 indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees for towing, recovery,
 195 and storage services and (b) the name and business telephone number of the local official, if any, responsible
 196 for handling consumer complaints; (iii) obtain at the time the vehicle is towed, verbal approval of an agent
 197 designated in the local ordinance who is available at all times; and (iv) obtain, at the time the vehicle is
 198 towed, if such towing is performed during the normal business hours of the owner of the property from which
 199 the vehicle is being towed, the written authorization of the owner of the property from which the vehicle is
 200 towed or his agent. Such written authorization, if required, shall be in addition to any written contract
 201 between the towing and recovery operator and the owner of the property or his agent. Any such written
 202 contract governing a property located within Planning District 8 or Planning District 16 shall clearly state the
 203 terms on which towing and recovery operators may monitor private lots on behalf of property owners and any
 204 local ordinance created pursuant to this subsection may regulate the monitoring practices that may be used by
 205 such towing and recovery operators. For the purposes of this subsection, "agent" does not include any person
 206 who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial
 207 interest in the towing and recovery operator's business.

208 D. Any such ordinance adopted by a locality within Planning District 8 may require towing companies
 209 that tow vehicles from the county, city, or town adopting the ordinance to other localities, provided that the
 210 stored or released location is within the Commonwealth of Virginia and within 10 miles of the point of origin
 211 of the actual towing, (i) to obtain from the locality from which such vehicles are towed a permit to do so and
 212 (ii) to submit to an inspection of such towing company's facilities to ensure that the company meets all the
 213 locality's requirements, regardless of whether such facilities are located within the locality or elsewhere. The
 214 locality may impose and collect reasonable fees for the issuance and administration of permits as provided for
 215 in this subsection. Such ordinance may also provide grounds for revocation, suspension, or modification of
 216 any permit issued under this subsection, subject to notice to the permittee of the revocation, suspension, or
 217 modification and an opportunity for the permittee to have a hearing before the governing body of the locality
 218 or its designated agent to challenge the revocation, suspension, or modification. Any tow truck driver who
 219 removes or tows a vehicle, pursuant to any such ordinance, that is occupied by an unattended companion
 220 animal as defined in § 3.2-6500 shall, upon such removal, immediately notify the animal control office of the
 221 locality in which the vehicle is being removed or towed. Nothing in this subsection shall be applicable to
 222 public safety towing.

223 Nothing in this subsection shall restrict or modify the authority of a locality within Planning District 8 to
 224 require, by such ordinance, towing companies that tow and store or release vehicles within such county, city,
 225 or town to obtain from such locality a permit to do so.

226 E. For purposes of this subsection:

227 "Multifamily dwelling unit" means more than one single-family dwelling unit located in a building,
 228 including townhomes. "Multifamily dwelling unit" does not include any lot within a development created
 229 pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.), any unit within a condominium
 230 created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), any apartment within a horizontal
 231 property regime created pursuant to the Horizontal Property Act (§ 55.1-2000 et seq.), any unit within a
 232 cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), any
 233 time-share unit within a project created pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et
 234 seq.), or any lot within a subdivision created pursuant to the Subdivided Land Sales Act (§ 55.1-2300 et seq.).

235 "Resident's vehicle" means any vehicle that is (i) owned, leased, or used by a resident of a multifamily
 236 dwelling unit in which the parking lot is owned and maintained by the landlord; (ii) known to the landlord to
 237 be associated with such resident, by means of a permit, registry, or other document designated by the landlord
 238 for such identification purposes; and (iii) in compliance with any requirements set forth in such lease or other
 239 agreement regarding such vehicle.

240 "Towing operator" means any individual or company that has contracted with a landlord for the provision
 241 of parking enforcement.

242 Any such local ordinance shall include a provision that requires, for the towing of a resident's vehicle
 243 from a parking lot owned and maintained by the landlord of a multifamily dwelling unit, the towing operator
 244 for such parking lot, prior to the towing of such vehicle for an expired vehicle registration or expired vehicle

245 inspection sticker, to post written notice on the vehicle, which shall include the date of posting of such notice,
 246 that such vehicle will be towed due to an expired registration or expired vehicle inspection sticker after 48
 247 hours from the date of the posting of such notice and that such vehicle will not be removed or towed until
 248 such period of time has passed. The towing operator shall, in addition to posting such notice on the vehicle,
 249 transmit a copy of such notice to the landlord with which he contracts for parking enforcement of the
 250 multifamily dwelling unit's parking lot. If a towing operator fails to post such notice on the vehicle, or does
 251 not wait the required period of time prior to removing or requesting the towing of such vehicle, he shall be
 252 required to reimburse the resident whose vehicle was towed the value of the charges imposed for the towing,
 253 storage, and safekeeping of the vehicle and he shall also be subject to a civil penalty not to exceed \$100.

254 No towing operator shall remove such vehicle until the 48 hours have passed from the date of the posting
 255 of such notice.

256 **§ 46.2-1233.2. Advisory board.**

257 Prior to adopting or amending any ordinance pursuant to § 46.2-1232 ~~or 46.2-1233~~, the local governing
 258 body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions
 259 of the ordinance. Members of the advisory board shall only consist of an equal number of representatives of
 260 local law-enforcement agencies and representatives of licensed towing and recovery operators, and one
 261 member of the general public. Any such advisory board shall meet at least once per year at the call of the
 262 chairman of the advisory board, who shall be elected annually from among the members of the advisory
 263 board by a majority vote. The chairmanship of any such advisory board for any locality within Planning
 264 District 8 shall be for a term of one year and rotate annually between a representative of a local
 265 law-enforcement agency, a representative of a licensed towing and recovery operator, and one member of the
 266 general public.

267 **§ 46.2-1233.3. Improper towing; penalty.**

268 A. This section shall apply only to tow truck drivers and towing and recovery operators removing a
 269 vehicle without the consent of its owner from a location in Planning District 8.

270 B. In addition to any action brought pursuant to subsection B of § 46.2-119, any tow truck driver who
 271 violates subsection A of § 46.2-118 or § 46.2-1217; *or* 46.2-1231; ~~or 46.2-1233.1~~, or any ordinance adopted
 272 therefrom; ~~or any ordinance adopted pursuant to § 46.2-1233~~, or any towing or recovery operator who
 273 violates subsection B of § 46.2-118 or § 46.2-1217; *or* 46.2-1231; ~~or 46.2-1233.1~~, or any ordinance adopted
 274 therefrom; ~~or any ordinance adopted pursuant to § 46.2-1233~~, is subject to a civil penalty of 10 times the total
 275 amount charged by such tow truck driver or towing and recovery operator for such removal, towing, and
 276 storage. Such penalty shall be collected by the Office of the Attorney General, and the proceeds shall be paid
 277 to the victim of such unlawful towing.

278 **§ 56-41.2. Regulation of fees charged for the removal of vehicles.**

279 A. *The Commission shall establish the hook-up and initial fees charged for the removal of motor vehicles,*
 280 *trailers, and parts thereof with a gross vehicle weight rating of less than 7,500 pounds left on private*
 281 *property in violation of § 46.2-1231 and for the removal of trespassing vehicles under § 46.2-1215, taking*
 282 *into consideration the fair market value of such removal. Such fees shall include additional fees for towing a*
 283 *vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday.*

284 B. *The Commission shall establish fees as required by subsection A by July 1, 2025, and adjust such fees*
 285 *on July 1 of each year. Such adjustment shall be based solely on changes in the Transportation Consumer*
 286 *Price Index.*

287 **§ 59.1-200. (Effective until July 1, 2025) Prohibited practices.**

288 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer
 289 transaction are hereby declared unlawful:

- 290 1. Misrepresenting goods or services as those of another;
- 291 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
- 292 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services,
 293 with another;
- 294 4. Misrepresenting geographic origin in connection with goods or services;
- 295 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or
 296 benefits;
- 297 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
- 298 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished,
 299 deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly
 300 and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand,
 301 repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or
 302 "not first class";
- 303 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the
 304 price or upon the terms advertised.

305 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant
 306 thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or

307 offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when
308 it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are
309 advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or
310 services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or
311 reasonably expected to have at least such quantity or amount for sale;

312 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of
313 price reductions;

314 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts
315 installed;

316 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill
317 for merchandise or services previously ordered;

318 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"
319 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's
320 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the
321 goods or services advertised or offered for sale;

322 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or
323 attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that
324 are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal
325 statutes or regulations;

326 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
327 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
328 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
329 provide, use, or include the statement, disclosure, notice, or other information in connection with the
330 consumer transaction;

331 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection
332 with a consumer transaction;

333 15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516,
334 or 3.2-6519 is a violation of this chapter;

335 16. Failing to disclose all conditions, charges, or fees relating to:

336 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
337 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
338 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
339 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
340 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
341 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
342 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
343 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
344 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
345 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
346 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
347 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
348 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor
349 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

350 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of
351 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the
352 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure
353 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

354 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
355 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
356 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
357 overpayments. If the credit balance information is incorporated into statements of account furnished
358 consumers by suppliers within such 60-day period, no separate or additional notice is required;

359 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
360 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

361 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

362 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

363 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

364 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
365 et seq.);

366 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

367 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
368 seq.);

- 369 24. Violating any provision of § 54.1-1505;
- 370 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
- 371 (§ 59.1-207.34 et seq.);
- 372 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 373 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 374 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 375 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 376 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
- 377 seq.);
- 378 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 379 32. Violating any provision of §§ § 46.2-1231 and ~~46.2-1233.1~~;
- 380 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 381 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 382 35. Using the consumer's social security number as the consumer's account number with the supplier, if
- 383 the consumer has requested in writing that the supplier use an alternate number not associated with the
- 384 consumer's social security number;
- 385 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 386 37. Violating any provision of § 8.01-40.2;
- 387 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 388 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 389 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 390 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
- 391 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in §
- 392 59.1-526;
- 393 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 394 43. Violating any provision of § 59.1-443.2;
- 395 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 396 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 397 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 398 47. Violating any provision of § 18.2-239;
- 399 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 400 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
- 401 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
- 402 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
- 403 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
- 404 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
- 405 products that are used, secondhand or "seconds";
- 406 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 407 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 408 52. Violating any provision of § 8.2-317.1;
- 409 53. Violating subsection A of § 9.1-149.1;
- 410 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling
- 411 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This
- 412 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
- 413 drywall has been permanently installed or affixed;
- 414 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
- 415 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
- 416 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
- 417 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
- 418 seq.) of Title 54.1;
- 419 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 420 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
- 421 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,
- 422 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer
- 423 by a supplier to a small business, as those terms are defined in § 59.1-207.45;
- 424 59. Violating any provision of subsection E of § 32.1-126;
- 425 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under
- 426 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
- 427 61. Violating any provision of § 2.2-2001.5;
- 428 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 429 63. Violating any provision of § 6.2-312;
- 430 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

- 431 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
- 432 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 433 67. Knowingly violating any provision of § 8.01-27.5;
- 434 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
435 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
436 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
437 obligation to pay for the goods or services;
- 438 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
439 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
440 derivative" means a chemical compound produced by man through a chemical transformation to turn a
441 compound into a different compound by adding or subtracting molecules to or from the original compound.
442 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
443 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
444 any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;
- 445 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human
446 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply
447 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
448 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
449 16 (§ 4.1-1600 et seq.) of Title 4.1;
- 450 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
451 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
452 defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an
453 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
454 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
455 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
456 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
457 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to
458 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
459 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol
460 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to
461 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
462 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
463 16 (§ 4.1-1600 et seq.) of Title 4.1;
- 464 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in §
465 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that
466 depicts or is in the shape of a human, animal, vehicle, or fruit;
- 467 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
468 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
469 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
470 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
471 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
472 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;
- 473 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
474 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
475 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
476 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
477 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July
478 1, 2023, provided that the person provides documentation of the date of manufacture if requested;
- 479 75. Violating any provision of § 59.1-466.8;
- 480 76. Violating subsection F of § 36-96.3:1;
- 481 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any
482 kratom product that does not include a label listing all ingredients and with the following guidance: "This
483 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,
484 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the
485 plant *Mitragyna speciosa* or any extract thereof;
- 486 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved
487 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted
488 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,
489 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not
490 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the
491 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning
492 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not

493 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the
 494 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved
 495 location;

496 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a
 497 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any
 498 such good or provision of any such continuous service;

499 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

500 81. Selling or offering for sale services as a professional mold remediator to be performed upon any
 501 residential dwelling without holding a mold remediation certification from the Institute of Inspection,
 502 Cleaning and Restoration Certification (IICRC); and

503 82. Willfully violating any provision of § 59.1-444.4.

504 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease
 505 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth
 506 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation
 507 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

508 **§ 59.1-200. (Effective July 1, 2025) Prohibited practices.**

509 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer
 510 transaction are hereby declared unlawful:

511 1. Misrepresenting goods or services as those of another;

512 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

513 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services,
 514 with another;

515 4. Misrepresenting geographic origin in connection with goods or services;

516 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or
 517 benefits;

518 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

519 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished,
 520 deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly
 521 and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand,
 522 repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or
 523 "not first class";

524 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the
 525 price or upon the terms advertised.

526 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant
 527 thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or
 528 offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when
 529 it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are
 530 advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or
 531 services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or
 532 reasonably expected to have at least such quantity or amount for sale;

533 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of
 534 price reductions;

535 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts
 536 installed;

537 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill
 538 for merchandise or services previously ordered;

539 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"
 540 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's
 541 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the
 542 goods or services advertised or offered for sale;

543 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or
 544 attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that
 545 are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal
 546 statutes or regulations;

547 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
 548 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
 549 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
 550 provide, use, or include the statement, disclosure, notice, or other information in connection with the
 551 consumer transaction;

552 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection
 553 with a consumer transaction;

554 15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516,

- 555 or 3.2-6519 is a violation of this chapter;
- 556 16. Failing to disclose all conditions, charges, or fees relating to:
- 557 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
- 558 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
- 559 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
- 560 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
- 561 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
- 562 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
- 563 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
- 564 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
- 565 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
- 566 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
- 567 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
- 568 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
- 569 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor
- 570 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;
- 571 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of
- 572 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the
- 573 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure
- 574 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;
- 575 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
- 576 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
- 577 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
- 578 overpayments. If the credit balance information is incorporated into statements of account furnished
- 579 consumers by suppliers within such 60-day period, no separate or additional notice is required;
- 580 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
- 581 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;
- 582 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);
- 583 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);
- 584 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);
- 585 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
- 586 et seq.);
- 587 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
- 588 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
- 589 seq.);
- 590 24. Violating any provision of § 54.1-1505;
- 591 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
- 592 (§ 59.1-207.34 et seq.);
- 593 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 594 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 595 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 596 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 597 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
- 598 seq.);
- 599 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 600 32. Violating any provision of §§ § 46.2-1231 and ~~46.2-1233.1~~;
- 601 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 602 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 603 35. Using the consumer's social security number as the consumer's account number with the supplier, if
- 604 the consumer has requested in writing that the supplier use an alternate number not associated with the
- 605 consumer's social security number;
- 606 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 607 37. Violating any provision of § 8.01-40.2;
- 608 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 609 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 610 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 611 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
- 612 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in §
- 613 59.1-526;
- 614 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 615 43. Violating any provision of § 59.1-443.2;
- 616 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

- 617 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
618 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
619 47. Violating any provision of § 18.2-239;
620 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
621 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
622 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
623 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
624 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
625 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
626 products that are used, secondhand or "seconds";
627 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
628 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
629 52. Violating any provision of § 8.2-317.1;
630 53. Violating subsection A of § 9.1-149.1;
631 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling
632 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This
633 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
634 drywall has been permanently installed or affixed;
635 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
636 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
637 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
638 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
639 seq.) of Title 54.1;
640 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
641 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
642 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,
643 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer
644 by a supplier to a small business, as those terms are defined in § 59.1-207.45;
645 59. Violating any provision of subsection E of § 32.1-126;
646 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under
647 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
648 61. Violating any provision of § 2.2-2001.5;
649 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
650 63. Violating any provision of § 6.2-312;
651 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
652 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
653 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
654 67. Knowingly violating any provision of § 8.01-27.5;
655 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
656 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
657 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
658 obligation to pay for the goods or services;
659 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
660 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
661 derivative" means a chemical compound produced by man through a chemical transformation to turn a
662 compound into a different compound by adding or subtracting molecules to or from the original compound.
663 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
664 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
665 any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;
666 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human
667 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply
668 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
669 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
670 16 (§ 4.1-1600 et seq.) of Title 4.1;
671 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
672 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
673 defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an
674 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
675 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
676 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance
677 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
678 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to

679 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
680 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol
681 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to
682 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
683 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
684 16 (§ 4.1-1600 et seq.) of Title 4.1;

685 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in §
686 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that
687 depicts or is in the shape of a human, animal, vehicle, or fruit;

688 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
689 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
690 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
691 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
692 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
693 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

694 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
695 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
696 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
697 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
698 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July
699 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

700 75. Violating any provision of § 59.1-466.8;

701 76. Violating subsection F of § 36-96.3:1;

702 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any
703 kratom product that does not include a label listing all ingredients and with the following guidance: "This
704 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,
705 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the
706 plant *Mitragyna speciosa* or any extract thereof;

707 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved
708 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted
709 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,
710 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not
711 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the
712 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning
713 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not
714 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the
715 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved
716 location;

717 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a
718 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any
719 such good or provision of any such continuous service;

720 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

721 81. Selling or offering for sale services as a professional mold remediator to be performed upon any
722 residential dwelling without holding a mold remediation certification from the Institute of Inspection,
723 Cleaning and Restoration Certification (IICRC);

724 82. Willfully violating any provision of § 59.1-444.4; and

725 83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.).

726 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease
727 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth
728 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation
729 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

730 **2. That §§ 46.2-1233 and 46.2-1233.1 of the Code of Virginia are repealed.**

731 **3. That, beginning November 30, 2030, and every five years thereafter, the State Corporation**
732 **Commission shall submit a report to the General Assembly reviewing the process for adjusting towing**
733 **rates as provided in § 56-41.2 of the Code of Virginia, as created by this act. The report required**
734 **pursuant to this enactment clause shall only be required if the General Assembly, in the year such**
735 **report is due or the year prior to such report being due, appropriates funds specifically for the State**
736 **Corporation Commission to conduct such review.**