

**Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement**

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ORIGINAL

Bill Number: SB229-ER **Patron:** Surovell
Bill Title: Civil actions filed on behalf of multiple persons; class actions; violations of Virginia Consumer Protection Act; award of damages.

Bill Summary: Provides that one or more members of a class may, as representative parties on behalf of all members, bring a civil action or may be proceeded against in a civil action, provided that (i) the class is so numerous that joinder of all members is impracticable, (ii) there are questions of law or fact common to the class, (iii) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (iv) the representative parties shall fairly and adequately protect the interests of the class. The bill further sets out the procedure to certify a class action, the duties of counsel appointed in a class action, the various orders a court may issue during the course of a class action, and the process by which a settlement, voluntary dismissal, or compromise may occur. The bill also applies the procedure by which an individual may be awarded damages in an action for a violation of the Virginia Consumer Protection Act to a class action. Finally, the bill permits the Court of Appeals to permit an appeal to be taken from an order certifying or declining to certify a class in accordance with the provisions of the bill. The bill has a delayed effective date of January 1, 2027.

Budget Amendment Necessary: Yes.

Items Impacted: Item 50

Explanation: The proposed legislation is expected to have a fiscal impact for the Office of the Attorney General and Department of Law (OAG) beginning in fiscal year 2027. The Court of Appeals indicates that the fiscal impact of the bill is indeterminate. The Virginia Workers' Compensation Commission does not expect the bill to have a fiscal impact.

Fiscal Summary: The proposed legislation is expected to have an annual fiscal impact of \$622,729 for the OAG beginning in fiscal year 2027. According to the OAG, a class action suit against the Commonwealth would likely involve an extraordinary amount of documents and other data in discovery. The OAG would need discovery management software licensing and a large volume of discovery.

General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
	\$0	\$622,729	\$622,729	\$622,729	\$622,729	\$622,729
TOTAL	\$0	\$622,729	\$622,729	\$622,729	\$622,729	\$622,729

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Position Impact:

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
	0.00	5.00	5.00	5.00	5.00	5.00
TOTAL	0.00	5.00	5.00	5.00	5.00	5.00

Fiscal Analysis: The OAG may require up to three assistant attorneys general to handle an expected large amount of documents and other data in discovery and two dedicated paralegals to review, sort, analyze, redact, disseminate, etc. The annual cost of each assistant attorneys general is \$135,766. The annual cost of each paralegal is \$93,871. The cost of each position includes salary and benefits.

Other: This bill is a companion to HB 449-H1.