

May 4, 2026

The Honorable Abigail Spanberger  
Governor  
State of Virginia  
P.O. Box 1475  
Richmond, VA 23218

Re: Veto Request: House Bill 449 / Senate Bill 229

Dear Governor Spanberger:

We the undersigned organizations urge you to veto House Bill 449 / Senate Bill 229. This bill would not only authorize, for the first time, class action litigation in the Commonwealth, it would also subject businesses to extraordinary new liability under the Virginia Consumer Protection Act. You wisely returned this bill to the General Assembly with a proposed substitute that recognized and responded to the bill's most radical elements, alleviating many of our concerns. Unfortunately, the General Assembly did not accept any of your proposed amendments. As a result, unless you veto this law, Virginia law will:

- Include a factor for class certification that is inconsistent with rules applied by federal and other state courts. Your proposed amendment would have eliminated this additional certification factor, which will result in unnecessary litigation and could be interpreted to allow certification of cases that would not be certified elsewhere.
- Permit statutory damages of \$500 "per violation" under the Virginia Consumer Protection Act, which plaintiffs can obtain when they have not experienced an actual loss. Your amendment would have struck this added "per violation" language, avoiding new uncertainty in determining damages and the risk of excessive liability.
- Authorize statutory damages in consumer class actions. This provision will incentivize no-injury class action lawsuit abuse in the Commonwealth. It will allow attorney-generated class actions that threaten businesses with millions of dollars in aggregated statutory damages that are vastly disproportionate to any consumer loss. Your proposed substitute struck this provision and responsibly authorized consumers to recover their actual losses through class actions.
- Eliminate the need to show that consumers relied on an allegedly misleading advertisement or business practice when purchasing a product or service to recover damages. This provision would overrule a Virginia Supreme Court ruling and ease the ability to certify massive no-injury class actions. Your proposed substitute did not alter current law.

In sum, you returned to the General Assembly a bill that would have authorized class action litigation in Virginia consistent with that pursued in federal and other state courts. The General Assembly has instead opted to persevere on a course that would dramatically expand litigation and liability exposure in the Commonwealth. While this approach may benefit some lawyers, it will not improve the lives of Virginians and will harm Virginia employers.

We respectfully request that you veto House Bill 449 / Senate Bill 229.

Sincerely,

American Property Casualty Association  
American Tort Reform Association  
Independent Insurance Agents of Virginia  
National Association of Insurance and Financial Advisors - Virginia  
National Association of Mutual Insurance Companies  
U.S. Chamber of Commerce Institute for Legal Reform  
Virginia Manufacturers Association