



January 20, 2026

The Hon. Scott A. Surovell, Chair  
Senate Courts of Justice  
Virginia General Assembly  
Richmond, VA 23219

Re: VA SB229 Civil actions filed on behalf of multiple persons; class actions.

Dear Chair Surovell and members of the Senate Courts of Justice Committee:

The National Association of Consumer Advocates (NACA) strongly supports SB 229, a bill to establish a framework for class actions that would facilitate groups of Virginia consumers banding together to seek accountability for systemic misconduct, including under the Virginia Consumer Protection Act. The NACA community of members and their clients are actively engaged in promoting a fair and open marketplace that forcefully protects the rights of consumers, particularly those of modest means. SB 229 will foster a free and fair market with an efficient method of accountability for individuals and businesses in Virginia.

As you know, for decades, class actions have halted systemically unfair and abusive conduct and has compensated injured victims.<sup>1</sup> They also help level the playing field for small businesses against big corporations whose dominant practices exploit smaller players in the marketplace.<sup>2</sup> In class actions, while bad actors are accountable for their widespread wrongdoing, consumers, honest businesses, and the market benefit.

Where a bad actor's conduct is so pervasive that it harms groups of consumers, individual cases are insufficient to enforce the rights of all persons affected by the misconduct. The majority lack the resources to take their cases to court on their own. Class and collective actions are the most efficient devices to resolve common claims such as breach of contract, and to address widespread misconduct including violations of individual and property rights. Further, permitting similarly harmed individuals to band together in a single action alleviates the burden on the court system.

Class actions also deter misconduct because the meaningful accountability that they provide incentivizes potential bad actors to comply with the law. As Federal District Judge Richard Posner has said, "A class action, like litigation in general, has a deterrent as well as a compensatory objective."<sup>3</sup>

Already there are considerable obstacles, particularly fine-print corporate contracts accompanying products and services, that block consumers from going to court and require them to take their claims to private, secret arbitration proceedings. This bill, SB 229, will grant Virginia consumers an additional tool to empower them to fight back against marketplace abuses.

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<sup>1</sup> *In Re Capital One 360 Savings Account Interest Rate Litig.*, No. 24-md-3111 (E.D. Va. June 16, 2025).

<sup>2</sup> *In re Payment Card Interchange Fee & Merchant Discount Litig.*, No. 1:05-md-01720-MKB-JO (E.D.N.Y. Dec. 13, 2019).

<sup>3</sup> *Hughes v. Kore of Indiana Enterprises, Inc.*, 731 F.3d 672, 677 (7th Cir. 2013).

Thank you for your sponsorship, support, and ongoing work to advance the rights of Virginians.

Sincerely,

Craig Marchiando, Virginia chair  
National Association of Consumer Advocates

Christine Hines, senior policy director  
National Association of Consumer Advocates