

## **Q&A: I'm a Regular Consumer: How Will The Represent Act Help Me Deal with Everyday Problems?**

*Reboot Required: The Civil Justice System Has Crashed* details the most common corporate abuses that consumers endure in the U.S. marketplace – the non-stop tricks, scams, and “mistakes” that cost people money, time, and their privacy. Thanks to a fifty-year campaign by corporate lawyers and lobbyists, consumers have little power to defend themselves. *Reboot Required* proposes sweeping new laws that would pay consumers when they're ripped off, punish perpetrators, and deter lawbreaking by large corporations.

Here are some examples of how it works (see Question 14 for the kinds of compensation you would be entitled to in these situations):

- (1) **Q: I needed to change a flight. The online chatbot could not help me, so I called the airline, and was put on hold for two hours before I could reach someone at customer service. How would The Represent Act help me?**

**A:** The Represent Act ends the customer service nightmare by requiring companies to connect you with a human customer service representative within ten minutes during normal business hours. They also must provide you with the ability to speak to a corporate executive if you cannot resolve your issue with the customer service representative. (§ 4(c)(23).)

- (2) **Q: I went online to book three nights at a hotel that was advertised at \$100 a night. By the time I got to the payment page, they had added a “service fee” and a “resort fee” that increased the total price by 30%. They claimed the fees were mandatory. Would I have to pay these fees under The Represent Act?**

**A:** You would only pay the originally advertised price (plus any applicable taxes). The Represent Act requires companies to include any non-optional charges in the advertised price. Any fees that are truly optional must be clearly explained to you in advance. And they can't be higher than what it actually costs the company to provide the optional service. (§ 4(c)(5).)

- (3) **Q: I applied for a job with a company that told me they used an outside firm to screen me. I looked it up and they use algorithms to decide who gets the job. I didn't get it and I don't know why. Would I have any rights under The Represent Act?**

Q&A: I'm a Regular Consumer: How Will The Represent Act Help Me Deal with Everyday Problems?

Page 2 of 6

**A:** Yes. The Represent Act gives you the right to know when you are the subject of an algorithmic decision, what the decision was, what information was used to make the decision, and the source of that information. You also have the right to dispute the accuracy of the information used to make the decision or the decision itself. (§ 14(c)(16).)

**(4) Q: I want to buy something from a website, but I don't want information about me, or my purchase, shared with advertisers or other companies. Would The Represent Act protect me?**

**A:** Yes. Under The Represent Act, a company can only ask for the information they need to complete your purchase. And they can't sell it to or share it with anyone else. (§ 4(c)(15).) So you can buy something online without worrying about whether your personal information, credit card, or purchase history will end up in the hands of another company.

**(5) Q: I read that my "virtual home assistant" is listening to me and my family and uploading the recordings. I like using the device, but I don't want the company to record me. Would The Represent Act fix this?**

**A:** Yes. Companies that sell connected devices – like virtual home assistants, refrigerators, speakers, toasters, or light bulbs – cannot surveil you through your devices. (§ 4(c)(15).) The Represent Act also requires manufacturers to build in "kill switches" so you can easily turn off functions of connected devices that make you feel uncomfortable and still use the device. (§ 4(c)(17).)

**(6) Q: The monthly price of my streaming video service suddenly went up after only a few months. The company told me that I agreed to their "terms of service" that allowed them to do this. I don't remember agreeing to price increases. Does The Represent Act protect me from this?**

**A:** Yes. The Represent Act stops companies from using contracts to confuse and take advantage of consumers. It prohibits companies from including inserting unfair terms in contracts that allow them to make changes – like price increases – whenever they want, or that require you to surrender your legal rights. Even better, it requires companies to let you see all the terms of the deal up front, in one document, and use plain English so you can understand what you're agreeing to. (§ 4(c)(3).)

**(7) Q: I noticed on my credit card statement that I keep getting charged for a digital news subscription that I cannot figure out how to cancel. Is this legal under The Represent Act?**

**A:** No. The Represent Act requires companies to tell you in advance each time they are about to renew a subscription. And companies cannot make it difficult for you to cancel – you must be allowed to cancel a subscription the same way that you signed up for it. (§ 4(c)(7).)

**(8) Q: I just did a software update and now my phone isn't working as well as it did before. Would I have any recourse under The Represent Act?**

**A:** Yes. The Represent Act prevents companies from installing software updates to your device that slow it down. (§ 4(c)(20).)

**(9) Q: I bought a product because it had good customer reviews. When I got my item, it was nothing like what the reviews said. I think the reviews were fake. What would The Represent Act do about this?**

**A:** The Represent Act prohibits tricks that prevent you from seeing bad reviews. And the company must disclose if has it paid for the review. (§ 4(c)(21).)

**(10) Q: I bought a new television because the company said I would get a \$300 rebate. I filled out all the paperwork and sent it in, but I never got the rebate. Will The Represent Act help me with this?**

**A:** Yes. The Represent Act outlaws rebates. (§ 4(c)(12).) Rebates are designed to allow companies to keep the money they promised you.

**(11) Q: I buy everything online because of the pandemic. But nothing ever gets delivered on time, and sometimes I don't get my packages at all. What does The Represent Act say about this?**

**A:** The Represent Act requires companies to give you an accurate shipping date before you buy a product and it must arrive within twenty-four hours of when it was promised, unless the delay is caused by something beyond human control. (§ 4(c)(10).)

**(12) Q. My cable company promised me a special low price but the bill just came and I'm paying full price. Does The Represent Act protect me against overcharges?**

**A:** Yes. If the company promised you a certain price, then they have to honor that price. Under the Represent Act, companies cannot charge you: a higher price than they originally promised, for something that you never received, or for something that you never ordered. (§ 4(c)(5).)

**(13) Q: A company has violated The Represent Act. I could not resolve my complaint through customer service, and I want to sue the company. How would I do that under The Represent Act?**

**A:** You can take a company (or its top executives) to court on behalf of yourself and other people who suffered the same problem as you. Under The Represent Act, consumers and nonprofit organizations are authorized to bring lawsuits to challenge violations of the law. (§ 2.) The Represent Act makes it easier for you to get a lawyer – without having to pay anything – by requiring that courts order corporate defendants to fully compensate attorneys who have secured benefits for you and other consumers. (§ 18.) The Represent Act applies to big corporations: you can only sue entities that have annual revenues of over \$25 million. (§ 21(33).)

**(14) Q: What compensation am I entitled to when a company violates The Represent Act?**

**A:** If a company violates The Represent Act, you are entitled to the amount of money you lost (e.g., a refund of an illegal fee or overcharge) or \$1,000, whichever is higher. Even if you did not lose money as a result of the violation, you can still collect \$1,000 for each infraction. And the company is required to pay you \$100 per hour for the time you spent trying to resolve your problems before resorting to bringing a lawsuit. Plus, a company will have to pay punitive damages if they deliberately broke the law. (§ 5.)

**(15) Q: My credit card company admits it ripped me off but says I cannot sue it because I surrendered my right to go to court and instead agreed that I would go to "arbitration." I don't know what arbitration is. Does The Represent Act address this?**

**A:** Yes. With the U.S. Supreme Court's blessing, almost all corporations ban consumers from bringing a class action lawsuit in court and instead require them to bring their cases

individually against the company in a private arbitration proceeding overseen by a judge chosen and paid by the company. The Represent Act calls for the restoration of your right to go to court on behalf of a group of others. (§ 9.)

**(16) Q: I work for a big corporation, and I have evidence that it is breaking the law. I don't want to come forward because I'm afraid of being punished. How would The Represent Act protect me?**

**A:** The Represent Act would protect you as corporate whistleblower from being punished for coming forward with information about your employer's illegal actions. (§ 11(e).) In fact, The Represent Act encourages whistleblowers by awarding money to people who participated in the lawsuit and whose information exposed illegal activity. (§ 18(k).)

**(17) Q: I keep getting postcards with tiny text and confusing e-mails about class action settlements. Sometimes I ignore them. When I do read them, I don't know what I am supposed to do. What would The Represent Act do about this?**

**A:** Notices about settlements under The Represent Act will be much easier to read and understand. These notices are important because they tell you what you are entitled to get from a settlement (and how to get it). And they inform you of your right to decide whether or not you want to be a part of the settlement, or how to tell the court you don't like the settlement. The Represent Act requires that these notices are written in clear language with the least amount of legalese necessary so that you understand exactly what you are looking at when you receive one. (§ 15.)

**(18) Q: I just got a notice of a class action settlement, and it says I have to fill out a form and send it in the mail to get money. Does The Represent Act make this process any easier?**

**A:** Yes. The Represent Act outlaws terms in settlements that make it harder for consumers to get the compensation the defendant agreed to pay you. It prohibits settlements that require you to file unnecessary paperwork in order to get paid. (§ 14.) When claim forms are truly necessary, The Represent Act requires that they are easy to fill out and can be sent in digitally or by mail. (§ 15(g).)

**(19) Q: What if I don't like a proposed settlement – can I fight it under The Represent Act? Do I have to hire a lawyer?**

Q&A: I'm a Regular Consumer: How Will The Represent Act Help Me Deal with Everyday Problems?

Page 6 of 6

**A:** No, you do not have to hire a lawyer, but you can if you want to. If a settlement contains terms that do not meet the standards of The Represent Act, you have the right to tell the court your concerns about the settlement, including that you think the claim form is unnecessary. (§ 16.)

**(20) Q: I want to get involved to fight corporate abuse and protect consumers. How can I help?**

**A:** The Represent Act sets up a “State Advocacy Association.” It is a democratically controlled, publicly transparent nonprofit organization that represents the interests of consumers in the state in all public forums, including before government agencies, legislative bodies, and courts. You can join by paying a membership fee that funds the organization and can participate at the group’s meetings. (§ 19 .)

#### **About #REPRESENT**

#REPRESENT is a project of the Consumer Education Foundation, a California nonprofit consumer advocacy organization. Visit our website at [www.representconsumers.org](http://www.representconsumers.org).