



On December 20, 2019 the FTC sued FleetCor Technologies, Inc. and its CEO, Ronald Clarke, for alleged misleading advertising practices, claiming FleetCor had collected at least \$200 Million dollars in hidden fees from fuel card service customers.

According to the Complaint, FleetCor's ads promised customers that their fuel card service had no setup, transaction, or membership fees. But the FTC alleges that FleetCor charged customers those very fees, merely renamed as "Account Administration Fees," "Program Fees," "High Credit Risk Account Fees," "Convenience Network and Out of Network Fees," "Minimum Program Administration Fees," and "Late Fees and Interest and Finance Charges." Exacerbating the deceptive fees, FleetCor is alleged to have:

- Waited to institute fees, without notice to customers, until a few billing cycles had passed, ostensibly so that consumers would be less likely to notice their inclusion.
- Not listed fees in billing invoices and frequently issued inaccurate bills.
- Instituted updates to its billing platform that caused customers to lose access to bills on multiple occasions.
- Delayed processing of customer payments and provided conflicting information on payment cut-off dates, causing customers to frequently receive late fees for timely payments.
- Buried information on fees in their Terms and Conditions which often directly contradicted FleetCor's advertised promises or were worded so vaguely that customers had no way to avoid fees or know how much they would cost.
- Charged a "High Credit Risk Account Fee" to customers for operating in the "trucking or transportation industry" even though FleetCor's fuel cards are primarily marketed to the trucking and transportation industry.
- Removed fees from client bills in response to complaints, but then essentially reissued those fees under a different name to make up the difference.
- Enrolled customers in paid subscription programs without their consent.

The Complaint contains excerpts from internal FleetCor emails acknowledging and encouraging many of these deceptive practices. FleetCor has released a [press statement](#) defending its marketing practices and claiming compliance with all applicable laws and industry standards. The FTC is seeking an injunction and disgorgement of FleetCor's revenue. **Takeaway:** One of many hidden fee lawsuits recently filed, the FleetCor complaint is a reminder to audit pricing practices in 2020 to manage risk by addressing arguably vague, misleading, and confusing pricing practices.

## Authors



### Jason S. Howell

Partner

[JHowell@perkinscoie.com](mailto:JHowell@perkinscoie.com)    [206.359.3134](tel:206.359.3134)



### Jared H. Bryant

Practice Attorney

[JBryant@perkinscoie.com](mailto:JBryant@perkinscoie.com)    [206.359.3664](tel:206.359.3664)

## **Explore more in**

[Consumer Protection](#)

Blog series

## **Consumer Protection Review**

Consumer Protection Review helps businesses that market and sell to consumers navigate federal and state legal issues related to advertising, privacy, promotions, products liability, government investigations, unfair competition, class actions and general consumer protection.

[View the blog](#)