

H.622

An act relating to solicitation by prescreened trigger lead information

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 8 V.S.A. § 10206 is added to read:

§ 10206. TRIGGER LEAD SOLICITATIONS

(a) In this section:

(1) “Consumer” means a natural person residing in this state.

(2) “Trigger lead” means information about a consumer, including the consumer’s name, address, telephone number, and an identification of the amount, terms, or conditions of credit for which the consumer has applied, that is:

(A) submitted by a financial institution to a consumer-reporting agency for the purpose of obtaining a credit report, as defined in 9 V.S.A. § 2480a, in conjunction with the consumer’s application for credit; and

(B) furnished by the consumer-reporting agency to a third party that is not affiliated with the financial institution or the credit-reporting agency.

(3) “Trigger lead solicitation” means a written or verbal offer or attempt to sell any property, rights, or services to a consumer based on a trigger lead.

(b) A person conducting a trigger lead solicitation shall disclose to a consumer in the initial phase of the solicitation that:

(1) the person is not affiliated with the financial institution to which the consumer has submitted an application for credit; and

(2) the financial institution to which the consumer has submitted an application for credit has not supplied the person with any personal or financial information.

(c) A financial institution which has had its name, trade name, or trademark misrepresented in a trigger lead solicitation in violation of this section may, in addition to any other remedy provided by law, bring an action in superior court in the county of its primary place of business, or if its primary place of business is located outside Vermont, in Washington superior court. The court shall award damages for each violation in the amount of actual damages demonstrated by the financial institution or \$5,000.00, whichever is greater. In any successful action for injunctive relief or for damages, the court shall award the financial institution reasonable attorney's fees and costs, including court costs.

Sec. 2. EFFECTIVE DATE

This act shall take effect upon passage.