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H.347

Senator Lyons moves that the bill be amended as follows:

First: By adding Sec. 1a to read as follows

Sec. 1a. 9 V.S.A. § 2453 is amended to read:

§ 2453. PRACTICES PROHIBITED; ANTITRUST AND CONSUMER
PROTECTION

(a) Unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce are hereby declared unlawful.

(b) It is the intent of the ~~Legislature~~ Vermont General Assembly that in construing subsection (a) of this section, the courts of this State will be guided by the construction of similar terms contained in Section 5(a)(1) of the Federal Trade Commission Act as from time to time amended by the Federal Trade Commission and the courts of the United States.

(c) The Attorney General shall make rules ~~and regulations~~, when necessary and proper to carry out the purposes of this chapter, relating to unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce. The rules ~~and regulations~~ shall not be inconsistent with the rules, regulations, and decisions of the Federal Trade Commission and the federal courts interpreting the Federal Trade Commission Act.

(d) Violation of a rule ~~or regulation~~ as made by the Attorney General is prima facie proof of the commission of an unfair or deceptive act in commerce.

1 (e) The provisions of subsections (a), (c), and (d) of this section shall also
2 be applicable to real estate transactions.

3 (f) The Attorney General, in consultation with the Commissioner of Public
4 Service, shall adopt privacy and data security rules applicable to
5 telecommunications service providers subject to the jurisdiction of the Public
6 Service Board under 30 V.S.A. § 203(5), including broadband Internet access
7 service providers. The rules shall be modeled after, and not more or less
8 restrictive than, the Federal Communications Commission’s 2016 Privacy
9 Order, WC Docket No. 16-106, FCC 16-148, adopted October 27, 2016 and
10 released November 2, 2016. As such, the rules shall include:

11 (1) disclosure requirements pertaining to a provider’s privacy policies;

12 (2) opt-in or opt-out procedures for obtaining customer approval to use
13 and share sensitive or nonsensitive customer proprietary information,
14 respectively; and

15 (3) data security and data breach notification requirements.

16 Second: By striking out Sec. 2 (effective date) in its entirety and by
17 inserting in lieu thereof a new Sec. 2 to read as follows:

18 Sec. 2. EFFECTIVE DATES

19 This act shall take effect on passage, except that Sec. 1a shall take effect on
20 July 1, 2019.