

1 S.147

2 Introduced by Senators Lyons, Sirotkin, Ashe, Balint, Kitchel, Pearson, and

3 Sears

4 Referred to Committee on

5 Date:

6 Subject: Telecommunications service providers; Internet service providers;

7 customer privacy; data security; rules

8 Statement of purpose of bill as introduced: This bill proposes to require the

9 Attorney General, in consultation with the Commissioner of Public Service, to

10 adopt privacy and data security rules applicable to telecommunications service

11 providers, including Internet service providers.

12 An act relating to privacy and data security rules applicable to
13 telecommunications service providers, including Internet service providers

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

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

16 § 2453. PRACTICES PROHIBITED; ANTITRUST AND CONSUMER

17 PROTECTION

18 (a) Unfair methods of competition in commerce and unfair or deceptive

19 acts or practices in commerce are hereby declared unlawful.

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

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

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

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

16 (f) The Attorney General, in consultation with the Commissioner of Public
17 Service, shall adopt privacy and data security rules applicable to
18 telecommunications service providers subject to the jurisdiction of the Public
19 Service Board under 30 V.S.A. § 203(5), including broadband Internet access
20 service providers. The rules shall be modeled after, and not more or less

1 restrictive than, the Federal Communications Commission's 2016 Privacy

2 Order, 47 C.F.R. part 64, subpart U. As such, the rules shall include:

3 (1) disclosure requirements pertaining to a provider's privacy policies;

4 (2) opt-in or opt-out procedures for obtaining customer approval to use

5 and share sensitive or nonsensitive customer proprietary information,

6 respectively; and

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

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on passage.