

1 H.327

2 Representative Kornheiser of Brattleboro moves to amend the bill by  
3 striking out all after the enacting clause and inserting in lieu thereof the  
4 following:

5 Sec. 1. 9 V.S.A. § 2454a is amended to read:

6 § 2454a. CONSUMER CONTRACTS; AUTOMATIC RENEWAL

7 (a) A contract between a consumer and a seller or a lessor with an initial  
8 term of one year or longer that renews for a subsequent term that is longer than  
9 one month shall not renew automatically unless:

10 (1) the contract states clearly and conspicuously the terms of the  
11 automatic renewal provision in plain, unambiguous language in bold-face type;  
12 and

13 ~~(2) in addition to accepting the contract, the consumer takes an~~  
14 ~~affirmative action to opt in to the automatic renewal provision; and~~

15 ~~(3) if the consumer opts in to the automatic renewal provision, the seller~~  
16 or lessor provides a written or electronic notice to the consumer:

17 (A) not less than 30 days and not more than 60 days before the  
18 earliest of:

19 (i) the automatic renewal date;

20 (ii) the termination date; or

1 (iii) the date by which the consumer must provide notice to cancel  
2 the contract; and

3 (B) that includes:

4 (i) the date the contract will terminate and a clear statement that  
5 the contract will renew automatically unless the consumer cancels the contract  
6 on or before the termination date; and

7 (ii) the length and any additional terms of the renewal period;

8 ~~(iii) one or more methods by which the consumer can cancel the~~  
9 ~~contract; and~~

10 ~~(iv) contact information for the seller or lessor.~~

11 (b) A seller or lessor under a contract subject to subsection (a) of this  
12 section shall:

13 (1) provide to the consumer a toll-free telephone number, electronic-  
14 mail address, a postal address if the seller or lessor directly bills the consumer,  
15 or another cost-effective, timely, and easy-to-use mechanism for canceling the  
16 contract; and

17 (2) if the consumer accepted the contract online, permit the consumer to  
18 terminate the contract exclusively online, which may include a termination e-  
19 mail formatted and provided by the seller or lessor that the consumer can send  
20 without additional information.

1       (c) A person who violates a provision of subsection (a) of this section  
2       commits an unfair and deceptive act in commerce in violation of section 2453  
3       of this title.

4       ~~(e)~~(d) The provisions of this section do not apply to:

5           (1) a contract between a consumer and a financial institution, as defined  
6       in 8 V.S.A. § 11101, or between a consumer and a credit union, as defined in  
7       8 V.S.A. § 30101; or

8           (2) a contract for insurance, as defined in 8 V.S.A. § 3301a.

9       Sec. 2. EFFECTIVE DATE

10       This act shall take effect on July 1, 2019 and supersedes contrary provisions  
11       of 2018 Acts and Resolves No. 179, Sec. 1.

