

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 324
3 entitled “An act relating to prohibiting robocalls” respectfully reports that it
4 has considered the same and recommends that the bill be amended by striking
5 out all after the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. 9 V.S.A. § 2464e is added to read:

7 § 2464e. ROBOCALLS; PROHIBITION; PENALTY

8 (a) A person shall not initiate a telephone call to a Vermont consumer using
9 an automatic telephone dialing system or an artificial or prerecorded voice in
10 violation of the federal Telephone Consumer Protection Act, 47 U.S.C. § 227,
11 or the federal Telemarketing and Consumer Fraud and Abuse Prevention Act,
12 15 U.S.C. §§ 6101–6108, and the regulations adopted pursuant to those laws.

13 (b) Civil violation.

14 (1) A violation of this section constitutes a violation of section 2453 of
15 this title.

16 (2) Each prohibited telephone call constitutes a separate violation under
17 this subsection.

18 (3)(A) A person who receives a telephone call in violation of this
19 section may bring an action in Superior Court for damages or a civil penalty,
20 injunctive relief, punitive damages in the case of a willful violation, and
21 reasonable costs and attorney’s fees.

1 (B) The court may issue an award for the greater of a person’s
2 damages or a civil penalty of \$500.00 for a first violation and \$1,000.00 for
3 each subsequent violation.

4 (c) Criminal Penalties.

5 (1) A person who violates this section shall be imprisoned for not more
6 than 90 days or fined not more than \$1,000.00 per violation, or both.

7 (2) Each telephone call constitutes a separate violation under this
8 subsection.

9 (d) The Attorney General shall exercise his or her authority and discretion
10 to work cooperatively with other state and federal government entities to
11 identify callers who initiate robocalls to consumers in violation of this section
12 and to enforce the provisions of this section regardless of the location of the
13 caller.

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on July 1, 2020.

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18 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE