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H.251

Introduced by Representatives Hooper of Burlington, Anthony of Barre City,
Austin of Colchester, Colston of Winooski, Masland of
Thetford, Noyes of Wolcott, Ode of Burlington, Townsend of
South Burlington, Troiano of Stannard, Walz of Barre City, and
Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Abuse of vulnerable adults; civil action for relief from harassing
marketing or solicitation

Statement of purpose of bill as introduced: This bill proposes to prohibit a
person from selling or marketing goods to, or accepting business from, a
vulnerable adult after the vulnerable adult or his or her agent or guardian has
asked the person in writing to discontinue selling or marketing goods to, or
accepting business from, the vulnerable adult.

An act relating to harassing marketing or solicitation of vulnerable adults

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

Sec. 1. 33 V.S.A. § 6952a is added to read:

§ 6952a. CIVIL ACTION FOR RELIEF FROM HARASSING

MARKETING OR SOLICITATION

1 (a) Right of action. A vulnerable adult or his or her agent or guardian may
2 bring an action in the Civil Division of the Superior Court pursuant to this
3 section for relief against any person who, with reckless disregard or with
4 knowledge, has engaged in the harassing marketing or solicitation of the
5 vulnerable adult. An action under this section shall be dismissed if the court
6 determines the vulnerable adult is capable of expressing his or her wishes and
7 that he or she does not wish to pursue the action.

8 (b)(1) Remedies. If the court finds that harassing marketing or solicitation
9 of a vulnerable adult has occurred, the court shall grant appropriate relief to the
10 vulnerable adult, which may include money damages, injunctive relief,
11 reasonable costs, attorney’s fees, and equitable relief.

12 (2) If the harassing marketing or solicitation was intentional, the court
13 may grant exemplary damages not to exceed three times the value of economic
14 damages.

15 (c) Definition. As used in this section, “harassing marketing or
16 solicitation” means a person continuing to sell or market goods to or accept
17 business from a vulnerable adult after the vulnerable adult or his or her agent
18 or guardian has delivered written notice to the person requesting that the
19 person discontinue selling or marketing goods to or accepting business from
20 the vulnerable adult.

21 Sec. 2. EFFECTIVE DATE

1 This act shall take effect on passage.