

1 S.11

2 Introduced by Senators Sears and Brock

3 Referred to Committee on

4 Date:

5 Subject: Commerce and trade; consumer protection

6 Statement of purpose of bill as introduced: This bill proposes to prohibit  
7 robocalls to the same extent as under federal law.

8 An act relating to prohibiting robocalls

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

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

11 § 2464e. ROBOCALLS; PROHIBITION; PENALTY

12 (a) A person shall not initiate a telephone call to a Vermont consumer using  
13 an automatic telephone dialing system or an artificial or prerecorded voice in  
14 violation of the federal Telephone Consumer Protection Act, 47 U.S.C. § 227,  
15 or the federal Telemarketing and Consumer Fraud and Abuse Prevention Act,  
16 15 U.S.C. §§ 6101–6108, and the regulations adopted pursuant to those laws.

17 (b) Civil violation.

18 (1) A violation of this section constitutes a violation of section 2453 of  
19 this title.

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

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

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

10          (c) Criminal penalties.

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

13           (2) Each telephone call constitutes a separate violation under this  
14 subsection.

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

20          Sec. 2. EFFECTIVE DATE

21           This act shall take effect on July 1, 2021.