

H.699

Introduced by Representative Priestley of Bradford

Referred to Committee on

Date:

Subject: Commerce and trade; consumer protection

Statement of purpose of bill as introduced: This bill proposes to amend the Vermont consumer protection statutes to prohibit abusive acts or practices in commerce as defined.

An act relating to consumer protection from abusive acts or practices

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

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

§ 2453. PRACTICES PROHIBITED; ANTITRUST AND CONSUMER  
PROTECTION

(a)(1) Unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce are hereby declared unlawful.

(2)(A) Abusive acts or practices in commerce are hereby declared unlawful.

(B) As used in this subdivision (2), “abusive acts or practices” means any conduct that:

1                   (i) materially interferes with the ability of a consumer to  
2                   understand the material risks, costs, terms, or conditions of a consumer product  
3                   or service; or

4                   (ii) takes unreasonable advantage of:

5                         (I) a lack of understanding on the part of the consumer of the  
6                         material risks, costs, terms, or conditions of the product or service;

7                         (II) the inability of the consumer to protect the interests of the  
8                         consumer in selecting or using a consumer product or service; or

9                         (III) the reasonable reliance by the consumer on a seller to act  
10                        in the interests of the consumer.

11           (b) It is the intent of the Legislature that in construing subsection (a)(1) of  
12           this section, the courts of this State will be guided by the construction of  
13           similar terms contained in Section 5(a)(1) of the Federal Trade Commission  
14           Act as from time to time amended by the Federal Trade Commission and the  
15           courts of the United States.

16           (c)(1) The Attorney General shall adopt rules, when necessary and proper  
17           to carry out the purposes of this chapter, relating to unfair methods of  
18           competition in commerce and unfair or deceptive acts or practices in  
19           commerce. The rules shall not be inconsistent with the rules, regulations, and  
20           decisions of the Federal Trade Commission and the federal courts interpreting  
21           the Federal Trade Commission Act.

1           (2) The Attorney General shall adopt rules, when necessary and proper  
2           to carry out the purposes of this chapter, relating to abusive acts or practices in  
3           commerce.

4           (d) Violation of a rule adopted by the Attorney General is prima facie proof  
5           of the commission of an unfair or deceptive act in commerce.

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

8           Sec. 2. EFFECTIVE DATE

9           This act shall take effect on passage.