



March 12, 2025

Vermont House Commerce Committee  
Public Hearing Regarding House Bill 342

Dear Members of the Vermont House Commerce Committee:

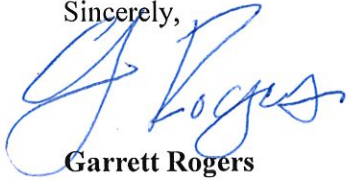
First American Title Insurance Company (“First American”) appreciates the opportunity to provide feedback regarding Vermont House Bill 342 (“HB 342”), which requires Data Brokers to redact the protected personal information of certain public servants (“Covered Person(s)”) upon receiving a notice to stop disclosing the protected information. First American is a national title insurance company that provides title, settlement, and related financial services through title agents (many of which are small businesses) to Vermont residents buying, selling, financing and refinancing homes. First American supports redaction laws that serve to protect individuals in sensitive situations. It is our intent to support this one as well. Our concerns with HB 342 as presently written are the significant, potentially insurmountable challenges these laws would create for Data Brokers and the real estate industry as a whole. Absent our proposed amendments, Data Brokers would be unable to comply with redaction requirements, causing consumers to face delays in real estate transactions, mortgage approvals, and financial services that rely on accurate property records. Additionally, as in other states with similarly structured laws, it would open companies across the real estate industry to frivolous lawsuits that are completely unrelated to the spirit and intent of the bill. Therefore, we recommend the following changes to ensure compliance with the requirements while also maintaining the integrity of the real estate market that relies on the data provided by Data Brokers:

1. **Definition of Electronic Notice from a Covered Person:** HB 342 provides for electronic notice by a Covered Person to the Data Broker but does not specify the inclusion of the protected information, making it difficult for Data Broker to identify and remove such protected information. At a minimum, we suggest including the requirement that the street addresses or legal description of the primary and secondary residences of all Covered Persons be included in the electronic notice to ensure compliance.
2. **Compliance Time Frame:** The 10-day timeframe for Data Brokers to comply with redaction requests is unreasonably short given the complexity of managing large-scale property records and ensuring accuracy. A longer compliance period would allow for thorough processing and higher success to comply with requests, thereby reducing the number of errors or instances of noncompliance. Accordingly, we recommend extending the compliance period in HB 342 to 30 days.
3. **Removal of Private Right of Action:** The private right of action included in HB 342 creates significant risk for Data Brokers as it opens the door to a high volume of litigation, even in cases of unintentional noncompliance. The exposure to excessive per violation penalties, attorney’s fees and litigation costs to defend even minor or unavoidable errors may discourage Data Brokers from operating in Vermont, which then limits the availability of data needed to conduct real estate transactions. An alternative approach would be to include a designated curative period, allowing Data Brokers to remedy alleged noncompliance before facing legal action. We also propose more reasonable penalties, taking into account good faith efforts to comply.

First American fully understands the importance of redaction laws and the need to protect certain public servants’ personal information, but it is equally important to ensure that Data Brokers operating in Vermont

can realistically comply with the requirements while maintaining access to essential data that facilitate real estate transactions in the state. Thank you for your consideration.

Sincerely,



**Garrett Rogers**

Vice President, Senior Operations Counsel