

1 H.405

2 Introduced by Representatives Hooper of Burlington, Anthony of Barre City,
3 Campbell of St. Johnsbury, Carroll of Bennington, Cina of
4 Burlington, Demrow of Corinth, Durfee of Shaftsbury, Fegard
5 of Berkshire, Hashim of Dummerston, Jerome of Brandon,
6 O'Sullivan of Burlington, Palasik of Milton, Till of Jericho, and
7 Yantachka of Charlotte

8 Referred to Committee on

9 Date:

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

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

17 An act relating to harassing marketing or solicitation of vulnerable adults

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

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

3 § 6952a. CIVIL ACTION FOR RELIEF FROM HARASSING

4 MARKETING OR SOLICITATION

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

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

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

19 (c) Definition. As used in this section, "harassing marketing or
20 solicitation" means a person continuing to sell or market goods to or accept
21 business from a vulnerable adult after the vulnerable adult or his or her agent

1 or guardian has delivered written notice to the person requesting that the
2 person discontinue selling or marketing goods to or accepting business from
3 the vulnerable adult.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on passage.