

1 S.324

2 Introduced by Senators Brock, Sears, Benning, Clarkson, Collamore,
3 Cummings, Hardy, Mazza, McNeil, Rodgers, Sirotkin and
4 Westman

5 Referred to Committee on Judiciary

6 Date: January 21, 2020

7 Subject: Commerce and trade; consumer protection

8 Statement of purpose of bill as introduced: This bill proposes to prohibit
9 robocalls consistent with federal law and provide State civil and criminal
10 penalties for violations.

11 An act relating to prohibiting robocalls

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

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

14 § 2464e. ROBOCALLS; PROHIBITION; PENALTY

15 (a) A person shall not initiate a telephone call to a Vermont consumer using
16 an automatic telephone dialing system or an artificial or prerecorded voice in
17 violation of the federal Telephone Consumer Protection Act, 47 U.S.C. § 227,
18 or the federal Telemarketing and Consumer Fraud and Abuse Prevention Act,
19 15 U.S.C. §§ 6101–6108, and the regulations adopted pursuant to those laws.

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(b) Civil violation

(1) A violation of this section shall constitute a violation of section 2453 of this title.

(2) Each prohibited telephone call shall constitute a separate violation.

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

(B) The court may issue an award for the person's actual damages or \$500.00 for a first violation, or \$1,000.00 for each subsequent violation, whichever is greater.

(c) Criminal Penalties.

(1) A person who violates this section shall be imprisoned for not more than 18 months or fined not more than \$10,000.00, or both.

(2) Each telephone call constitutes a separate solicitation under this section.

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

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~~Sec. 2. EFFECTIVE DATE
This act shall take effect on July 1, 2020.~~

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

§ 2464e. ROBOCALLS; PROHIBITION; PENALTY

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

(b) Civil violation.

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

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

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

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

(c) Criminal Penalties.

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

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

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

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2020.