

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 11  
3 entitled “An act relating to prohibiting robocalls” respectfully reports that it  
4 has considered the same and recommends that the bill be amended by striking  
5 out all after the enacting clause and inserting in lieu thereof the following:

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

7 § 2464e. ROBOCALLS; PROHIBITION; PENALTY

8 (a) Intent. It is the intent of the General Assembly in adopting this section:

9 (1) to create a State law prohibition on the use of automatic telephone  
10 dialing systems and on the placement of robocalls to Vermont consumers that  
11 is coextensive with the federal limitations created in the Telephone Consumer  
12 Protection Act and the Telemarketing and Consumer Fraud and Abuse  
13 Prevention Act; and

14 (2) to continue to permit certain robocalls to the extent they are allowed  
15 under federal law, including:

16 (A) calls made for an emergency purpose;

17 (B) calls made with the prior express written consent of the called  
18 party;

19 (C) calls conveying messages that are purely informational;

20 (D) calls concerning the collection of a debt but not including calls  
21 that attempt to sell consumers services to reduce debt;

1           (E) political calls;

2           (F) calls from health care providers; and

3           (G) messages from charities, provided that if the call originates from  
4 a person whom the charity hires to make a call on the charity’s behalf, the call  
5 may only go to members of the charity or prior donors, and provided further  
6 that such callers include an automated option to allow a consumer to stop  
7 future calls.

8           (b) Definitions. As used in this section, “automatic telephone dialing  
9 system” means equipment that has the capacity:

10           (1) to store or produce telephone numbers to be called, using a random  
11 or sequential number generator; and

12           (2) to dial such numbers.

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

19           (d) Civil violation.

20           (1) A violation of this section constitutes a violation of section 2453 of  
21 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          (e) 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           (f) 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.

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(Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

FOR THE COMMITTEE