

SENATE COMMITTEE OF REFERENCE REPORT

May 19, 2021

Chair of Committee

Date

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

HB21-1239 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 12, strike line 24 and substitute "U.S.C.
2 SEC. 230.".
- 3 Page 13, line 17, strike "CONTRACT," and substitute "CONTRACT;".
- 4 Page 13, strike lines 18 through 21.
- 5 Page 14, strike lines 7 through 17.
- 6 Page 15, strike lines 10 through 16 and substitute:

7 **"(b) UTILIZE AN ONLINE LINK THAT IS PRESENTED AS PART OF AN
8 OFFER OF AN AUTOMATIC RENEWAL CONTRACT, WHICH ONLINE LINK
9 DIRECTS A CONSUMER TO DETAILED INFORMATION ABOUT THE AUTOMATIC
10 RENEWAL CONTRACT, UNLESS THE ONLINE LINK:**

11 **(I) IS AVAILABLE BEFORE A CONSUMER ELECTS TO PURCHASE ANY
12 GOOD OR SERVICE SUBJECT TO THE AUTOMATIC RENEWAL CONTRACT;**

13 **(II) APPEARS DIRECTLY ADJACENT TO ANY ONLINE LINK USED BY
14 THE CONSUMER TO PURCHASE ANY GOOD OR SERVICE SUBJECT TO THE
15 AUTOMATIC RENEWAL CONTRACT; AND**

16 **(III) IS LABELED WITH, OR IS DIRECTLY ADJACENT TO, A CLEAR AND
17 CONSPICUOUS DISCLOSURE THAT STATES THAT BY PURCHASING THE GOOD
18 OR SERVICE, THE CONSUMER AGREES TO ENROLL IN AN AUTOMATIC
19 RENEWAL CONTRACT;".**



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- 1 Page 16, line 3, strike "OFFERS" and substitute "OFFERS:".
- 2 Page 16, strike line 4 and substitute:
 - 3 "(I) A ONE-STEP ONLINE CANCELLATION LINK THAT IS:".
- 4 Page 16, line 5, strike "(I)" and substitute "(A)".
- 5 Page 16, line 8, strike "(II)" and substitute "(B)".
- 6 Page 16, line 11, strike "ACCOUNT." and substitute "ACCOUNT; OR".
- 7 Page 16, after line 11 insert:
 - 8 "(II) AN IN-PERSON MECHANISM FOR CANCELING AN AUTOMATIC
 - 9 RENEWAL CONTRACT OR TRIAL PERIOD OFFER, WHICH MECHANISM:
 - 10 (A) IS AT A PHYSICAL LOCATION WHERE THE CONSUMER
 - 11 REGULARLY UTILIZES ANY GOODS OR SERVICES THAT ARE SUBJECT TO THE
 - 12 AUTOMATIC RENEWAL CONTRACT; AND
 - 13 (B) SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (2)(d)".
- 14 Page 17, strike line 3 and substitute:
 - 15 "(I) PHYSICAL MAIL;".
- 16 Page 17, strike lines 10 through 12 and substitute:
 - 17 "(b) IN THE CASE OF A NOTICE DESCRIBED IN SUBSECTION (4)(a) OF
 - 18 THIS SECTION, WHICH NOTICE IS PROVIDED BY PHYSICAL MAIL, THE NOTICE
 - 19 SHALL BE PROVIDED NO MORE THAN FORTY-FIVE DAYS BEFORE THE FIRST
 - 20 AUTOMATIC RENEWAL AND NO MORE THAN FORTY-FIVE DAYS BEFORE
 - 21 EACH AUTOMATIC RENEWAL THEREAFTER.
 - 22 (c) IN THE CASE OF A NOTICE DESCRIBED IN SUBSECTION (4)(a) OF
 - 23 THIS SECTION, WHICH NOTICE IS PROVIDED BY E-MAIL OR ANOTHER EASILY
 - 24 ACCESSIBLE FORM OF COMMUNICATION, THE NOTICE SHALL BE PROVIDED
 - 25 NO MORE THAN".
- 26 Page 18, after line 16 insert:
 - 27 "(6) THE ATTORNEY GENERAL AND THE DISTRICT ATTORNEYS OF
 - 28 THE STATE HAVE EXCLUSIVE AUTHORITY TO ENFORCE THIS SECTION.".

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