



General Assembly

January Session, 2001

Amendment

LCO No. 8049

Offered by:
REP. FOX, 144th Dist.

To: Subst. House Bill No. 6615 File No. 658 Cal. No. 104

(As Amended by Senate Amendment Schedule "A")

**"AN ACT ESTABLISHING CONSUMER PROTECTIONS FOR
HOME IMPROVEMENT CONTRACTOR FINANCED PROGRAMS."**

1 After section 2, insert the following:

2 "Sec. 3. Section 42-371 of the general statutes is repealed and the
3 following is substituted in lieu thereof:

4 (a) As used in this section:

5 (1) "Retailer" means any person who sells goods used primarily for
6 personal, family or household purposes to a person who is not in the
7 business of reselling such goods;

8 [(2) "Discount card or device" means any card or device issued by a
9 retailer to a consumer, that the consumer may use to obtain a discount
10 when making purchases from the retailer, including, but not limited to,
11 a scanner card;]

12 ~~[(3)]~~ (2) "Consumer" means an individual who is an actual or
13 prospective purchaser of goods used primarily for personal, family or
14 household purposes; and

15 ~~[(4)]~~ (3) "Consumer information" means information that identifies a
16 consumer and that is obtained by a retailer [from the consumer's use of
17 a discount card or device issued by the retailer] in the course of the
18 retailer's business.

19 (b) No retailer [who issues, or has issued, a discount card or device
20 in this state to a consumer] may sell, lease or relinquish to, or exchange
21 for value with, any other person, firm or corporation any consumer
22 information, unless (1) the retailer provides reasonable prior written
23 notice to the consumer, (2) the retailer provides the consumer with the
24 option [, at the time the consumer applies for the discount card or
25 device or at the time the consumer receives an unsolicited discount
26 card or device,] of preventing the retailer from selling, leasing, [or]
27 relinquishing or exchanging for value such information, and (3) the
28 consumer does not exercise such option to prevent the retailer from
29 selling, leasing, [or] relinquishing or exchanging for value such
30 information.

31 (c) Such notice shall (1) state that information identifying the
32 consumer may be sold, leased or relinquished to, or exchanged for
33 value with, other persons, firms or corporations, (2) describe the
34 purposes for which such information would be used, and (3) include a
35 form the consumer may use to prevent the retailer from selling,
36 leasing, [or] relinquishing or exchanging for value such information.

37 (d) Nothing in this section shall be construed to supersede the
38 federal Fair Credit Reporting Act (15 USC 1681 et seq.).

39 (e) The provisions of this section do not apply to the sale, lease or
40 relinquishing of consumer information by a retailer to another person,
41 firm or corporation that directly or through one or more
42 intermediaries, controls, or is controlled by, or is under common
43 control with, such retailer.

44 (f) Notwithstanding the provisions of subsection (b) of this section, a
45 retailer may relinquish consumer information to (1) a credit rating
46 agency, as defined in section 36a-695, or a consumer reporting agency,
47 as defined in 15 USC 1681 et seq., provided such information may be
48 relinquished only if the discount card or device also functions as a
49 credit card, as defined in section 53a-128a, (2) a person, firm or
50 corporation performing or providing services used for the delivery of
51 such retailer's promotional offers, or (3) a person, firm or corporation
52 performing or providing services used for the delivery of such
53 retailer's billing statements.

54 (g) Any violation of any provision of this section shall be deemed an
55 unfair or deceptive trade practice under subsection (a) of section 42-
56 110b.

57 (h) The provisions of this section shall not apply to the provision of
58 consumer information by a retailer (1) to a financial institution, as
59 defined in the Gramm-Leach-Bliley Financial Modernization Act of
60 1999, 15 USC 6801 et seq., if such information is subject to the
61 provisions of said act, or (2) to any entity if such information is used by
62 such entity only for administering a program on behalf of the retailer.

63 Sec. 4. This act shall take effect October 1, 2001, except that section 3
64 shall take effect January 1, 2002."