

HB1094/583997/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1094
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the second “a” in line 4 down through “phone” in line 5 and substitute “certain technology”; in line 6, strike “displays, at each entrance to the merchant’s business premises,” and substitute “provides”; and in line 9, after “terms;” insert “providing for the application of this Act;”.

AMENDMENT NO. 2

On page 2, in line 5, after “(B)” insert “**THIS SECTION DOES NOT APPLY TO:**

(1) THE USE OF ANY MOBILE APPLICATION OR SIMILAR TECHNOLOGY THAT A CONSUMER AFFIRMATIVELY CHOOSES TO DOWNLOAD ONTO THE CONSUMER’S WIRELESS DEVICE; OR

(2) TECHNOLOGY USED BY A MERCHANT EXCLUSIVELY FOR PURPOSES OF SAFETY OR THEFT PREVENTION.

(C) (1)”.

AMENDMENT NO. 3

On page 2, in lines 5 and 6, strike “A WIRELESS INTERNET SIGNAL OR A CELLULAR PHONE” and substitute “ANY TECHNOLOGY”; strike beginning with “DISPLAYS” in line 8 down through “PREMISES” in line 9 and substitute “PROVIDES”; after line 11, insert:

“(2) A MERCHANT SHALL PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION BY DISPLAYING THE NOTICE:

(Over)

(I) AT EACH ENTRANCE TO THE MERCHANT'S BUSINESS PREMISES;

(II) ON THE CONSUMER'S WIRELESS DEVICE; OR

(III) THROUGH ANY OTHER MEANS THAT IS REASONABLY CALCULATED TO PROVIDE THE NOTICE TO CONSUMERS.

(3) DISPLAY OF A NOTICE ON A MERCHANT'S WEB SITE MAY NOT BE CONSIDERED TO BE REASONABLY CALCULATED TO PROVIDE NOTICE UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION UNLESS:

(I) THE NOTICE IS DISPLAYED IN A CONSPICUOUS LOCATION ON THE MERCHANT'S WEB SITE; AND

(II) THE CONSUMER AFFIRMATIVELY CONSENTS TO BEING MONITORED.”;

and in line 12, strike “(C)” and substitute “(D)”.