Committee/Subcommittee hearing bill: Civil Justice & Property Rights Subcommittee
Representative McFarland offered the following:

Amendment (with title amendment)
Remove lines 873-887 and insert:
(12) CIVIL ACTIONS; PRIVATE RIGHT OF ACTION.—
(1) Any consumer may bring a civil action against a business for the following:
(a) Failure to protect a consumer’s nonencrypted and nonredacted personal information or e-mail address, in combination with a password or security question and answer that would allow access to the account, and is subject to an unauthorized access and exfiltration, theft, or disclosure as a result of a business' violation of the duty to implement and maintain reasonable security procedures and practices;
(b) Failure to delete or correct a consumer’s personal information pursuant to this section after receiving a verifiable consumer request, unless the business qualifies for an exception to requirements to delete or correct under this section; or

(c) Continuing to sell or share a consumer’s personal information after the consumer chooses to opt-out pursuant to this section.

(2) A court may grant the following relief to a consumer:

(a) Damages in an amount not less than $100 and not greater than $750 per consumer per incident or actual damages, whichever is greater.

(b) Injunctive or declaratory relief.

(c) Upon prevailing, the consumer shall recover reasonable attorney’s fees and costs.

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T I T L E   A M E N D M E N T

Remove lines 48-51 and insert:

consumer rights is void and unenforceable; providing a private right of action for consumers under certain circumstances;