



143864

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2011	.	
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The Committee on Commerce and Tourism (Gaetz) recommended the following:

Senate Amendment

Delete lines 71 - 108
and insert:

3. Sending a written notice to the consumer confirming a transaction by first-class United States mail or e-mail before processing the consumer's credit card, or otherwise charging the consumer, or shortly thereafter. Such notice must clearly and conspicuously disclose the following:

- a. The good or service purchased.
- b. The amount that the consumer will be charged.
- c. The timing and frequency of charges.



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13 d. A short and plain statement disclosing the post-
14 transaction third-party seller's cancellation and refund policy.

15 e. A telephone number, mailing address, Internet address,
16 and e-mail address where the post-transaction third-party seller
17 can be contacted.

18 f. The name or brand name of the initial merchant, if
19 known.

20 g. The name or brand name of the post-transaction third-
21 party seller.

22 h. That the post-transaction third-party seller is an
23 unaffiliated and separate entity from the initial merchant.

24 i. That the consumer is being charged by the post-
25 transaction third-party seller for a transaction that is
26 separate from the consumer's transaction with the initial
27 merchant.

28 4. If the notice described in subparagraph 3. is sent by e-
29 mail, the only words appearing in the subject line shall be
30 "Notice that ...(name or brand name of post-transaction third-
31 party seller... is charging your ...(type of account)...."

32 (3) PROHIBITION ON DISCLOSING DATA.—An initial merchant may
33 not disclose a consumer's credit card number, debit card number,
34 bank account number, or other account number, or disclose other
35 consumer billing information, to a post-transaction third-party
36 seller.

37 (4) MECHANISM TO STOP RECURRING CHARGES REQUIRED.—A post-
38 transaction third-party seller may not:

39 (a) Charge a consumer without providing a simple mechanism
40 for the consumer to cancel the good or service, and stop
41 charges, within a reasonable time after delivery of the written



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42 notice confirming the transaction; or
43 (b) Change its vendor code, or otherwise materially change
44 the way the post-transaction third-party seller is identified on
45 the consumer's account, more than once per year, unless the
46 post-transaction third-party seller provides the consumer with
47 written notice of the change.