

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Simpson

1 Amend the reengrossed bill, page 10, after line 8 insert:

2 **"6-1-1904. Enforcement - limitation - definition.**

3 (1) (a) A PERSON VIOLATES THIS PART 19 ONLY WHEN THE PERSON
4 KNOWINGLY USES SURVEILLANCE DATA IN A MANNER THAT RESULTS IN
5 MATERIAL ECONOMIC HARM TO A CONSUMER OR WORKER OR THAT
6 CONSTITUTES AN UNFAIR OR DECEPTIVE PRACTICE AS DEFINED IN THIS
7 ARTICLE 1.

8 (b) AS USED IN THIS SUBSECTION (1), "MATERIAL ECONOMIC
9 HARM" MEANS A NONTRIVIAL MONETARY OR COMPENSATION-RELATED
10 IMPACT THAT IS NOT DE MINIMIS AND THAT RESULTS IN A MATERIALLY
11 DIFFERENT PRICE OR WAGE THAN THE PRICE OR WAGE FOR SIMILARLY
12 SITUATED INDIVIDUALS.

13 (2) A PERSON DOES NOT VIOLATE THIS PART 19 THROUGH
14 INADVERTENT OR ISOLATED USE OF SURVEILLANCE DATA IF THE PERSON
15 HAS IMPLEMENTED AND MAINTAINED REASONABLE POLICIES AND
16 PROCEDURES DESIGNED TO COMPLY WITH THIS PART 19.

17 (3) THE ATTORNEY GENERAL RETAINS AUTHORITY TO ENFORCE
18 VIOLATIONS UNDER THIS ARTICLE 1, CONSISTENT WITH THE LIMITATIONS
19 SET FORTH IN THIS SECTION."

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