

Amendment No.5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                         (Y/N)  
ADOPTED AS AMENDED                         (Y/N)  
ADOPTED W/O OBJECTION                     (Y/N)  
FAILED TO ADOPT                             (Y/N)  
WITHDRAWN                                     (Y/N)  
OTHER                                          

---

1 Committee/Subcommittee hearing bill: Civil Justice & Property  
2 Rights Subcommittee

3 Representative McFarland offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 873-887 and insert:

7 (12) CIVIL ACTIONS; PRIVATE RIGHT OF ACTION.—

8 (1) Any consumer may bring a civil action against a  
9 business for the following:

10 (a) Failure to protect a consumer's nonencrypted and  
11 nonredacted personal information or e-mail address, in  
12 combination with a password or security question and answer that  
13 would allow access to the account, and is subject to an  
14 unauthorized access and exfiltration, theft, or disclosure as a  
15 result of a business' violation of the duty to implement and  
16 maintain reasonable security procedures and practices;

Amendment No.5

17 (b) Failure to delete or correct a consumer's personal  
18 information pursuant to this section after receiving a  
19 verifiable consumer request, unless the business qualifies for  
20 an exception to requirements to delete or correct under this  
21 section; or

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

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

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

29 (b) Injunctive or declaratory relief.

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

32  
33  
34 -----  
35 **T I T L E A M E N D M E N T**

36 Remove lines 48-51 and insert:  
37 consumer rights is void and unenforceable; providing a private  
38 right of action for consumers under certain circumstances;