

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 116, As Amended in the Senate

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE CONSUMER PROTECTION ACT; AMENDING SECTION 48-603G, IDAHO CODE, TO REVISE PROVISIONS REGARDING AUTOMATIC SUBSCRIPTION RENEWAL CANCELLATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 48-603G, Idaho Code, be, and the same is hereby amended to read as follows:

48-603G. CANCELLATION OF SUBSCRIPTIONS. (1) For purposes of this section, unless the context otherwise requires:

(a) "Automatic subscription renewal" means an agreement entered into via the internet to provide goods or services to an Idaho consumer for a specified time and price that is automatically renewed at the end of a definite term for a subsequent term unless the consumer cancels the agreement.

(b) "Extended automatic subscription renewal" means an automatic subscription renewal entered into via the internet with a specified subscription term in which the subscription automatically renews for a specified term of twelve (12) months or more unless the consumer cancels the subscription.

(c) "Seller" means a person who sells, leases, or offers to sell or lease automatic subscription renewals or extended automatic subscription renewals but does not include an entity providing only a host platform on a website.

(2) A seller may not make an automatic subscription renewal offer to a consumer in this state unless the seller clearly and conspicuously discloses:

(a) The automatic subscription renewal terms; and

(b) The methods that the consumer may use to cancel the subscription.

(3) The seller shall provide methods of automatic subscription renewal cancellation that include ~~free online cancellation of the subscription and cancellation in the same manner that the consumer used to subscribe a cost-effective, timely, and easy-to-use online mechanism that may include a termination email formatted and provided by the seller.~~ Such a method should not include an additional fee for the consumer to cancel. If a phone number is provided for the purposes of cancellation of the subscription, the number must be toll-free and must be prominently displayed in the disclosure.

(4) A seller shall not make an extended automatic subscription renewal offer to a consumer in this state unless the seller notifies the consumer of the automatic renewal. Notice must be provided to the consumer at least thirty (30) days and no more than sixty (60) days in advance of the date of the delivery or provision of goods or services. The seller must provide for the

1 same methods of cancellation as provided for in subsection (3) of this sec-  
2 tion. The notice must clearly and conspicuously:

3 (a) Describe the goods or services to be delivered;

4 (b) State the price;

5 (c) Inform the consumer that the goods or services will be provided un-  
6 less the consumer informs the seller that the goods or services are not  
7 wanted; and

8 (d) Provide the consumer with ~~at least two (2)~~ one (1) or more methods  
9 of cancellation, including at least one (1) that shall be provided at no  
10 cost to the consumer.

11 (5) A violation of this section shall constitute a violation of the  
12 Idaho consumer protection act. This section does not create a private right  
13 of action or serve as a basis for a private right of action under any other  
14 provision of law.

15 (6) No civil penalties shall be enforced against a seller that makes a  
16 good faith effort to comply with this section.

17 ~~(6) (7)~~ (7) This section applies only to an agreement entered into or re-  
18 newed on and after January 1, 2023, under which a seller makes an automatic  
19 subscription renewal or extended automatic subscription renewal offer to a  
20 consumer in this state.

21 (8) The following are exempted from this section:

22 (a) Any service provided by a business or its affiliate where either the  
23 business or its affiliate is doing business pursuant to a franchise is-  
24 sued by a political subdivision of the state or a license, franchise,  
25 certificate, or other authorization issued by the Idaho public utili-  
26 ties commission;

27 (b) Any service provided by a business or its affiliate where either  
28 the business or its affiliate is regulated by the Idaho public utilities  
29 commission, the federal communications commission, or the federal en-  
30 ergy regulatory commission; and

31 (c) Any service defined in section 41-6203, Idaho Code, offered by an  
32 insurer or its affiliate, or any insurer or its affiliate regulated by  
33 the Idaho department of insurance.

34 SECTION 2. An emergency existing therefor, which emergency is hereby  
35 declared to exist, this act shall be in full force and effect on and after  
36 July 1, 2023.