

## S 3386

### Restore Online Shoppers' Confidence Act

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Commerce

**Introduced:** May 19, 2010

**Current Status:** Became Public Law No: 111-345.

**Latest Action:** Became Public Law No: 111-345. (Dec 29, 2010)

**Law:** 111-345 (Enacted Dec 29, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/3386>

### Sponsor

**Name:** Sen. Rockefeller, John D., IV [D-WV]

**Party:** Democratic • **State:** WV • **Chamber:** Senate

### Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Klobuchar, Amy [D-MN]	D · MN		May 19, 2010
Sen. LeMieux, George S. [R-FL]	R · FL		May 19, 2010
Sen. McCaskill, Claire [D-MO]	D · MO		May 19, 2010
Sen. Nelson, Bill [D-FL]	D · FL		May 19, 2010
Sen. Pryor, Mark L. [D-AR]	D · AR		May 19, 2010

### Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Aug 2, 2010
Energy and Commerce Committee	House	Referred To	Dec 1, 2010

### Subjects & Policy Tags

#### Policy Area:

Commerce

### Related Bills

Bill	Relationship	Last Action
111 HR 5707	Related bill	Jul 1, 2010: Referred to the House Committee on Energy and Commerce.

Restore Online Shoppers' Confidence Act - Defines "post-transaction third party seller" as a person that: (1) sells, or offers for sale, any good or service on the Internet; (2) solicits purchases on the Internet through an initial merchant after the consumer has initiated a transaction with the initial merchant; and (3) is not the initial merchant, a subsidiary or corporate affiliate of the initial merchant, or a successor to the initial merchant or subsidiary.

Makes it unlawful for any post-transaction third party seller to charge or attempt to charge any consumer's credit card, debit card, bank account, or other such financial account in an Internet-based transaction, unless: (1) before obtaining the consumer's billing information, the seller has disclosed all material terms, including the fact that the such seller is not affiliated with the initial merchant, and a description and the cost of the offered goods or services; and (2) the seller has received the express informed consent from the consumer for the charge.

Makes it unlawful for an initial merchant to disclose such financial account number or other billing information to any post-transaction third party Internet seller (sometimes referred to as a data-pass).

Makes it unlawful for any person to charge or attempt to charge a consumer for goods or services sold in an Internet-based transaction through a negative option feature unless the person: (1) provides text that clearly and conspicuously discloses all material terms of the transaction before obtaining the consumer's billing information; (2) obtains a consumer's express informed consent before charging the consumer's financial account for products or services through such transaction; and (3) provides simple mechanisms for a consumer to stop recurring charges from being placed on the consumer's financial account. Defines "negative option feature" to mean, in an offer or agreement to sell or provide any goods or services, a provision under which the customer's silence or failure to take an affirmative action to reject goods or services or to cancel the agreement is interpreted by the seller as acceptance of the offer.

Treats a violation of this Act or any regulation thereunder as an unfair or deceptive act or practice. Requires the Federal Trade Commission (FTC) to enforce this Act.

Authorizes the attorney general of a state to bring an action for injunctive relief in federal court on behalf of the state's residents.

## Actions Timeline

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- **Dec 29, 2010:** Signed by President.
- **Dec 29, 2010:** Became Public Law No: 111-345.
- **Dec 17, 2010:** Presented to President.
- **Dec 15, 2010:** Mr. Boucher moved to suspend the rules and pass the bill.
- **Dec 15, 2010:** Considered under suspension of the rules. (consideration: CR H8374-8376)
- **Dec 15, 2010:** DEBATE - The House proceeded with forty minutes of debate on S. 3386.
- **Dec 15, 2010:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H8374-8375)
- **Dec 15, 2010:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H8374-8375)
- **Dec 15, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 15, 2010:** Cleared for White House.
- **Dec 1, 2010:** Received in the House.
- **Dec 1, 2010:** Message on Senate action sent to the House.
- **Dec 1, 2010:** Referred to the House Committee on Energy and Commerce.
- **Nov 30, 2010:** Measure laid before Senate by unanimous consent. (consideration: CR S8305-8308; text of measure as reported in Senate: CR S8305-8306)
- **Nov 30, 2010:** The committee substitute as amended agreed to by Unanimous Consent.
- **Nov 30, 2010:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(text: CR S3807-3808)
- **Nov 30, 2010:** Passed Senate with an amendment by Unanimous Consent. (text: CR S3807-3808)
- **Aug 2, 2010:** Committee on Commerce, Science, and Transportation. Reported by Senator Rockefeller with an amendment in the nature of a substitute. With written report No. 111-240.
- **Aug 2, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 500.
- **Jun 9, 2010:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **May 19, 2010:** Introduced in Senate
- **May 19, 2010:** Read twice and referred to the Committee on Commerce, Science, and Transportation.