SPONSOR: Rep. Burns

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2
TO
SENATE BILL NO. 80

AMEND Senate Bill No. 80 on line 20 by deleting "This" as it appears therein and inserting in lieu thereof "Except as provided in subsection (d) of this section, this".

FURTHER AMEND Senate Bill No. 80 on line 20 by deleting "action asserted:" as it appears therein and inserting in lieu thereof "action:".

FURTHER AMEND Senate Bill No. 80 on line 24 by deleting "law to protect against an imminent threat to public health or safety; or" as it appears therein and inserting in lieu thereof "law, regulation, or ordinance;".

FURTHER AMEND Senate Bill No. 80 on line 26 by deleting "services." as it appears therein and inserting in lieu thereof "services;".

FURTHER AMEND Senate Bill No. 80 after line 26 and before line 27 by inserting the following:

"(4) Based on a common law fraud claim; or

(5) Alleging a violation of either Subchapter II or III of Chapter 25 of Title 6.

(d) This chapter applies to a cause of action asserted under paragraph (c)(3), (4), or (5) of this section when the cause of action is a legal action against a person related to the communication, gathering, receiving, posting, or processing of consumer opinions or commentary, evaluations of consumer complaints, or reviews or ratings of businesses.".

FURTHER AMEND Senate Bill No. 80 on line 69 by deleting "§ 6002(b)" and inserting in lieu thereof "§ 6002(b) or (d)".

SYNOPSIS

This Amendment clarifies that the Uniform Public Expression Act ("Act") does not apply to a cause of action:
(1) By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce any law, regulation, or ordinance;
(2) Based on a common law fraud claim; or
(3) Alleging a violation of either Subchapter II or III of Chapter 25 of Title 6 of the Delaware Code.

However, the Act does apply to such actions when the cause of action is a legal action against a person related to the communication, gathering, receiving, posting, or processing of consumer opinions or commentary, evaluations of consumer complaints, or reviews or ratings of businesses.

This Amendment is substantively similar to House Amendment No. 1 to Senate Bill No. 80; however, it makes necessary technical corrections to citations and to include a citation to § 6002(d) of Title 6, created by this Amendment, in § 6007(a)(1) of Title 6.

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