AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MR. TERRY

[Page and line numbers refer to SLW_107, 070714.171.xml]

Page 5, strike lines 11 through 21 and insert the following:

(b) AFFIRMATIVE DEFENSE.—With respect to subsection (a), there shall be an affirmative defense that statements, representations, or omissions were not made in bad faith (as defined in subparagraphs (B) and (C) of section 5(1)) if the sender can demonstrate that such statements, representations, or omissions were mistakes made in good faith, which may be demonstrated by evidence that the sender in the usual course of business sends written communications that do not violate the provisions of this Act. That such statements, representations, or omissions were mistakes made in good faith may also be demonstrated by other evidence.

Page 8, beginning on line 1, strike “on behalf of” and all that follows through line 3 and insert a period.

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