
By: Delegate D. Murphy

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Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection - Dating Services Sales Act**

3 FOR the purpose of establishing a right of cancellation of contracts to purchase dating
4 services; specifying the manner in which a dating services contract must be canceled;
5 requiring a seller of dating services to refund certain payments made by a consumer
6 under a dating services contract within a certain period of time; requiring a dating
7 services contract to include certain statements relating to cancellation of the
8 contract; requiring a seller of dating services to inform a consumer of the
9 consumer's right to cancel the dating services contract; requiring a seller of dating
10 services to provide a consumer with a copy of the dating services contract at a
11 certain time; providing that a violation of this Act is an unfair and deceptive trade
12 practice under the Maryland Consumer Protection Act; defining certain terms;
13 providing for the applicability of this Act; and generally relating to sales of dating
14 services.

15 BY repealing and reenacting, with amendments,
16 Article - Commercial Law
17 Section 13-301(14)(xviii)
18 Annotated Code of Maryland
19 (1990 Replacement Volume and 1995 Supplement)

20 BY adding to
21 Article - Commercial Law
22 Section 13-301(14)(xx); and 14-2801 through 14-2806, inclusive, to be under the
23 new subtitle "Subtitle 28. Dating Services Sales Act"
24 Annotated Code of Maryland
25 (1990 Replacement Volume and 1995 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Commercial Law**

2 13-301.

3 Unfair or deceptive trade practices include any:

4 (14) Violation of a provision of:

5 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

6 [or]

7 (XX) TITLE 14, SUBTITLE 28 OF THIS ARTICLE, THE DATING SERVICES

8 SALES ACT; OR

9 SUBTITLE 28. DATING SERVICES SALES ACT.

10 14-2801.

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS

12 INDICATED.

13 (B) (1) "BUSINESS DAY" MEANS MONDAY THROUGH FRIDAY.

14 (2) "BUSINESS DAY" DOES NOT INCLUDE LEGAL HOLIDAYS.

15 (C) "CONSUMER" MEANS A NATURAL PERSON.

16 (D) "DATING SERVICES" MEANS ANY DATING, MATRIMONIAL, OR SOCIAL

17 REFERRAL SERVICES PROVIDED BY A SELLER THROUGH MEANS OF:

18 (1) AN EXCHANGE OF NAMES, TELEPHONE NUMBERS, ADDRESSES, AND

19 STATISTICS;

20 (2) A PHOTOGRAPH OR VIDEO SELECTION PROCESS;

21 (3) PERSONAL INTRODUCTIONS PROVIDED BY THE SELLER AT THE

22 SELLER'S PLACE OF BUSINESS; OR

23 (4) A SOCIAL ENVIRONMENT PROVIDED BY THE SELLER INTENDED

24 PRIMARILY AS AN ALTERNATIVE TO OTHER SINGLES' BARS OR CLUB-TYPE

25 ENVIRONMENTS.

26 (E) "DATING SERVICES CONTRACT" MEANS AN AGREEMENT UNDER WHICH A

27 CONSUMER PURCHASES, OR BECOMES OBLIGATED TO PURCHASE, DATING

28 SERVICES FROM A SELLER.

29 (F) "PERSON" INCLUDES AN INDIVIDUAL, CORPORATION, BUSINESS TRUST,

30 ESTATE, TRUST, PARTNERSHIP, ASSOCIATION, TWO OR MORE PERSONS HAVING A

31 JOINT OR COMMON INTEREST, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

32 (G) "PLACE OF BUSINESS" MEANS THE MAIN OR PERMANENT BRANCH OFFICE

33 OR LOCAL ADDRESS OF A SELLER.

34 (H) "SELLER" MEANS A PERSON IN THE BUSINESS OF SELLING DATING

35 SERVICES.

3

1 14-2802.

2 THIS SUBTITLE DOES NOT APPLY TO A TRANSACTION THAT IS SUBJECT TO:

3 (1) THE MARYLAND DOOR-TO-DOOR SALES ACT, SUBTITLE 3 OF THIS
4 TITLE; OR

5 (2) THE MARYLAND TELEPHONE SOLICITATIONS ACT, SUBTITLE 22 OF
6 THIS TITLE.

7 14-2803.

8 (A) WITHIN 3 BUSINESS DAYS AFTER A CONSUMER SIGNS A DATING SERVICES
9 CONTRACT, THE CONSUMER MAY CANCEL THE CONTRACT WITHOUT PENALTY BY
10 GIVING WRITTEN NOTICE OF CANCELLATION TO THE SELLER AT THE ADDRESS
11 SPECIFIED IN THE CONTRACT.

12 (B) WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF THE NOTICE OF
13 CANCELLATION, THE SELLER SHALL REFUND TO THE CONSUMER ALL PAYMENTS
14 MADE BY THE CONSUMER UNDER THE CONTRACT, LESS ANY AMOUNT OWED FOR
15 SERVICES COVERED BY THE CONTRACT AND RECEIVED BY THE CONSUMER PRIOR
16 TO CANCELLATION.

17 (C) THE SELLER MUST ORALLY INFORM THE CONSUMER OF THE
18 CONSUMER'S RIGHT TO CANCEL A DATING SERVICES CONTRACT AT THE TIME THE
19 CONSUMER SIGNS THE CONTRACT.

20 (D) THE RIGHT OF CANCELLATION MAY NOT BE WAIVED OR OTHERWISE
21 SURRENDERED.

22 14-2804.

23 (A) A DATING SERVICES CONTRACT:

24 (1) MUST BE IN WRITING AND SIGNED BY THE CONSUMER; AND

25 (2) MUST INCLUDE A STATEMENT OF THE CONSUMER'S RIGHT TO
26 CANCEL THE CONTRACT, IN AT LEAST 10-POINT BOLDFACE TYPE, IMMEDIATELY
27 PRECEDING THE SPACE RESERVED FOR THE SIGNATURE OF THE CONSUMER, IN
28 SUBSTANTIALLY THE FOLLOWING FORM:

29 "NOTICE OF CANCELLATION RIGHTS

30
31 (ENTER DATE CONSUMER SIGNED CONTRACT)

32 YOU, THE CONSUMER, MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY
33 BY GIVING WRITTEN NOTICE OF CANCELLATION TO THE SELLER AT ANY TIME
34 PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE ABOVE DATE, WHICH
35 IS THE DATE YOU SIGNED THIS CONTRACT.

36 IF YOU CANCEL THIS CONTRACT, ANY PAYMENTS MADE BY YOU UNDER THE
37 CONTRACT, LESS ANY AMOUNT OWED FOR SERVICES COVERED UNDER THE
38 CONTRACT AND RECEIVED BY YOU PRIOR TO CANCELLATION, WILL BE REFUNDED

4
1 TO YOU WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR
2 CANCELLATION NOTICE.

3 TO CANCEL THIS CONTRACT, MAIL OR DELIVER A SIGNED AND DATED NOTICE
4 THAT YOU ARE CANCELING THIS CONTRACT, OR SEND A TELEGRAM WHICH STATES
5 THAT YOU ARE CANCELING THIS CONTRACT, TO

6AT.....
7 (NAME OF SELLER) (ADDRESS OF SELLER'S PLACE OF BUSINESS)
8 THAN MIDNIGHT OF".
9 (DATE)

10 (B) A FULLY COMPLETED COPY OF THE DATING SERVICES CONTRACT MUST
11 BE FURNISHED TO THE CONSUMER AT THE TIME THE CONSUMER SIGNS THE
12 CONTRACT.

13 14-2805.

14 IF A SELLER VIOLATES ANY PROVISION OF THIS SUBTITLE, THE CONSUMER
15 MAY CANCEL A DATING SERVICES CONTRACT BY NOTIFYING THE SELLER IN ANY
16 MANNER, BY ANY MEANS, AND AT ANY TIME OF THE CONSUMER'S INTENTION TO
17 CANCEL.

18 14-2806.

19 IN ADDITION TO ANY OTHER REMEDIES OTHERWISE AVAILABLE AT LAW, A
20 VIOLATION OF ANY PROVISION OF THIS SUBTITLE BY A SELLER IS AN UNFAIR AND
21 DECEPTIVE TRADE PRACTICE UNDER TITLE 13 OF THIS ARTICLE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1996.