
By: **Delegate Brown**
Introduced and read first time: January 24, 2000
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 9, 2000

CHAPTER _____

1 AN ACT concerning

2 **Electronic Commerce Disclosure Act**

3 FOR the purpose of requiring certain merchants who engage in electronic commerce
4 to provide a telephone number and mailing address to consumers for billing
5 inquiries and billing complaints; requiring certain merchants who engage in
6 electronic commerce to disclose to consumers the return policy of the merchant
7 and if the merchant accepts return goods, who pays for shipping; providing that
8 a violation of any of the disclosure provisions of this Act is an unfair or deceptive
9 trade practice under the Maryland Consumer Protection Act; authorizing the
10 Division of Consumer Protection of the Office of the Attorney General to adopt
11 certain regulations; defining certain terms; and generally relating to the
12 disclosure of certain information by merchants who engage in electronic
13 commerce.

14 BY repealing and reenacting, with amendments,
15 Article - Commercial Law
16 Section 13-301(14)
17 Annotated Code of Maryland
18 (1990 Replacement Volume and 1999 Supplement)

19 BY adding to
20 Article - Commercial Law
21 Section 14-2901 through 14-2905, inclusive, to be under the new subtitle
22 "Subtitle 29. Electronic Commerce Disclosure Act"
23 Annotated Code of Maryland
24 (1990 Replacement Volume and 1999 Supplement)

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

3 **Article - Commercial Law**

4 13-301.

5 Unfair or deceptive trade practices include any:

6 (14) Violation of a provision of:

7 (i) This title;

8 (ii) An order of the Attorney General or agreement of a party
9 relating to unit pricing under Title 14, Subtitle 1 of this article;

10 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt
11 Collection Act;

12 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
13 Sales Act;

14 (v) Title 14, Subtitle 9 of this article, Kosher Products;

15 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

16 (vii) Section 14-1302 of this article;

17 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales
18 Act;

19 (ix) Section 22-415 of the Transportation Article;

20 (x) Title 14, Subtitle 20 of this article;

21 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
22 Enforcement Act;

23 (xii) Title 14, Subtitle 21 of this article;

24 (xiii) Section 18-107 of the Transportation Article;

25 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
26 Solicitations Act;

27 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
28 Act;

29 (xvi) Title 10, Subtitle 6 of the Real Property Article;

30 (xvii) Title 10, Subtitle 8 of the Real Property Article;

1 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;
2 [or]

3 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door
4 Solicitations Act; or

5 (XX) TITLE 14, SUBTITLE 29 OF THIS ARTICLE, THE ELECTRONIC
6 COMMERCE DISCLOSURE ACT; OR

7 SUBTITLE 29. ELECTRONIC COMMERCE DISCLOSURE ACT.
8 14-2901.

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) (1) "CONSUMER" MEANS AN ACTUAL OR PROSPECTIVE PURCHASER,
12 LESSEE, RENTER, OR RECIPIENT OF CONSUMER GOODS, REALTY, OR SERVICES.

13 (2) "CONSUMER" INCLUDES A CO-OBLIGOR OR SURETY FOR A
14 CONSUMER.

15 (C) "CONSUMER GOODS, REALTY, OR SERVICES" MEANS GOODS, REAL
16 PROPERTY, AND SERVICES WHICH ARE PRIMARILY FOR PERSONAL, HOUSEHOLD,
17 FAMILY, OR AGRICULTURAL PURPOSES.

18 (D) "DIVISION" MEANS THE DIVISION OF CONSUMER PROTECTION OF THE
19 OFFICE OF THE ATTORNEY GENERAL.

20 (E) "ELECTRONIC COMMERCE" MEANS THE SALE, LEASE, RENTAL, OR
21 TRANSFER OF CONSUMER GOODS, REALTY, OR SERVICES THROUGH THE INTERNET,
22 WORLD WIDE WEB, OR SIMILAR ELECTRONIC MEDIUM.

23 (F) (1) "MERCHANT" MEANS A PERSON WHO, DIRECTLY OR INDIRECTLY,
24 SELLS, LEASES, RENTS, OR OFFERS OR MAKES AVAILABLE TO CONSUMERS ANY
25 CONSUMER GOODS, REALTY, OR SERVICES.

26 (2) "MERCHANT" DOES NOT INCLUDE A PERSON WHO:

27 (I) ENGAGES IN FEWER THAN FIVE ELECTRONIC COMMERCE
28 TRANSACTIONS PER MONTH; AND

29 (II) RECEIVES LESS THAN \$500 GROSS PROFIT FROM ELECTRONIC
30 COMMERCE TRANSACTIONS PER MONTH.

31 (G) "WEB" MEANS THE WORLD WIDE WEB.

1 14-2902.

2 (A) IF A MERCHANT ENGAGES IN ELECTRONIC COMMERCE, THE MERCHANT
3 SHALL PROVIDE A TELEPHONE NUMBER AND A MAILING ADDRESS THAT A
4 CONSUMER MAY USE FOR BILLING INQUIRIES AND BILLING COMPLAINTS.

5 (B) THE TELEPHONE NUMBER AND MAILING ADDRESS REQUIRED UNDER
6 SUBSECTION (A) OF THIS SECTION SHALL:

7 (1) BE CONSPICUOUSLY DISPLAYED ON THE MERCHANT'S INTERNET OR
8 WEB SITE; AND

9 (2) BE INCLUDED IN ANY PRINTED BILL OF SALE, RECEIPT, OR OTHER
10 DOCUMENTATION RELATED TO AN ELECTRONIC COMMERCE TRANSACTION THAT
11 THE MERCHANT SENDS TO A CONSUMER.

12 14-2903.

13 (A) THIS SECTION DOES NOT APPLY TO A MERCHANT OF REALTY OR
14 SERVICES.

15 ~~(A)~~ (B) IF A MERCHANT OF CONSUMER GOODS ENGAGES IN ELECTRONIC
16 COMMERCE, THE MERCHANT SHALL DISCLOSE:

17 (1) THE POLICY OF THE MERCHANT ON RETURNING GOODS; AND

18 (2) WHERE THE MERCHANT ACCEPTS RETURN GOODS, WHO PAYS
19 SHIPPING.

20 ~~(B)~~ (C) THE DISCLOSURES REQUIRED UNDER SUBSECTION ~~(A)~~ (B) OF THIS
21 SECTION SHALL BE CONSPICUOUSLY DISPLAYED ON THE MERCHANT'S INTERNET OR
22 WEB SITE.

23 14-2904.

24 AT THE DIRECTION OF THE ATTORNEY GENERAL, THE DIVISION, IN
25 ACCORDANCE WITH § 13-205 OF THIS ARTICLE, MAY ADOPT REGULATIONS IN ORDER
26 TO CARRY OUT THIS SUBTITLE.

27 14-2905.

28 A MERCHANT WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF
29 AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF
30 THIS ARTICLE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2000.

