
By: **Delegates R. Baker, Benson, Palumbo, Love, Hubbard, Proctor, Menes,
Pitkin, Moe, and Cryor**

Introduced and read first time: February 11, 2000

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Telemarketing Registration and Fraud Prevention Act**

3 FOR the purpose of requiring certain businesses to register with the Division of
4 Consumer Protection of the office of the Attorney General before engaging in
5 telemarketing; requiring certain information and a certain fee to accompany a
6 certain application to register to engage in telemarketing; requiring a surety
7 bond effective for a certain period of time and for a certain amount to be posted
8 with a certain application; allowing the use of certain forms of currency in lieu of
9 a surety bond; providing for the use of a certain surety bond; allowing a certain
10 surety to cancel a certain bond under certain conditions; limiting the amount of
11 a certain liability to the amount of a certain surety bond; requiring a certain
12 registration to lapse if a certain surety bond falls below a certain amount;
13 requiring certain businesses to keep certain records for a certain period of time;
14 requiring a merchant to provide certain information to consumers under certain
15 circumstances; requiring a merchant to furnish a consumer with certain
16 information; making certain acts a violation of this Act; making a certain
17 violation an unfair or deceptive act or practice; authorizing the Division of
18 Consumer Protection to adopt regulations; defining certain terms; providing for
19 a delayed effective date; and generally relating to telemarketing registration
20 and fraud prevention.

21 BY repealing and reenacting, with amendments,
22 Article - Commercial Law
23 Section 13-301 and 14-2203
24 Annotated Code of Maryland
25 (1990 Replacement Volume and 1999 Supplement)

26 BY adding to
27 Article - Commercial Law
28 Section 14-2202.1 and 14-2204.1; and 14-2901 through 14-2907, inclusive, to
29 be under the new subtitle "Subtitle 29. Telemarketing Registration"
30 Annotated Code of Maryland
31 (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 (1) False, falsely disparaging, or misleading oral or written statement,
7 visual description, or other representation of any kind which has the capacity,
8 tendency, or effect of deceiving or misleading consumers;

9 (2) Representation that:

10 (i) Consumer goods, consumer realty, or consumer services have a
11 sponsorship, approval, accessory, characteristic, ingredient, use, benefit, or quantity
12 which they do not have;

13 (ii) A merchant has a sponsorship, approval, status, affiliation, or
14 connection which he does not have;

15 (iii) Deteriorated, altered, reconditioned, reclaimed, or secondhand
16 consumer goods are original or new; or

17 (iv) Consumer goods, consumer realty, or consumer services are of a
18 particular standard, quality, grade, style, or model which they are not;

19 (3) Failure to state a material fact if the failure deceives or tends to
20 deceive;

21 (4) Disparagement of the goods, realty, services, or business of another
22 by a false or misleading representation of a material fact;

23 (5) Advertisement or offer of consumer goods, consumer realty, or
24 consumer services:

25 (i) Without intent to sell, lease, or rent them as advertised or
26 offered; or

27 (ii) With intent not to supply reasonably expected public demand,
28 unless the advertisement or offer discloses a limitation of quantity or other qualifying
29 condition;

30 (6) False or misleading representation of fact which concerns:

31 (i) The reason for or the existence or amount of a price reduction;
32 or

33 (ii) A price in comparison to a price of a competitor or to one's own
34 price at a past or future time;

- 1 (7) Knowing false statement that a service, replacement, or repair is
2 needed;
- 3 (8) False statement which concerns the reason for offering or supplying
4 consumer goods, consumer realty, or consumer services at sale or discount prices;
- 5 (9) Deception, fraud, false pretense, false premise, misrepresentation, or
6 knowing concealment, suppression, or omission of any material fact with the intent
7 that a consumer rely on the same in connection with:
- 8 (i) The promotion or sale of any consumer goods, consumer realty,
9 or consumer service; or
- 10 (ii) A contract or other agreement for the evaluation, perfection,
11 marketing, brokering or promotion of an invention; or
- 12 (iii) The subsequent performance of a merchant with respect to an
13 agreement of sale, lease, or rental;
- 14 (10) Solicitations of sales or services over the telephone without first
15 clearly, affirmatively, and expressly stating:
- 16 (i) The solicitor's name and the trade name of a person represented
17 by the solicitor;
- 18 (ii) The purpose of telephone conversation; and
- 19 (iii) The kind of merchandise, real property, intangibles, or service
20 solicited;
- 21 (11) Use of any plan or scheme in soliciting sales or services over the
22 telephone that misrepresents the solicitor's true status or mission;
- 23 (12) Use of a contract related to a consumer transaction which contains a
24 confessed judgment clause that waives the consumer's right to assert a legal defense
25 to an action;
- 26 (13) Use by a seller, who is in the business of selling consumer realty, of a
27 contract related to the sale of single family residential consumer realty, including
28 condominiums and townhouses, that contains a clause limiting or precluding the
29 buyer's right to obtain consequential damages as a result of the seller's breach or
30 cancellation of the contract;
- 31 (14) Violation of a provision of:
- 32 (i) This title;
- 33 (ii) An order of the Attorney General or agreement of a party
34 relating to unit pricing under Title 14, Subtitle 1 of this article;

- 1 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt
2 Collection Act;
- 3 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
4 Sales Act;
- 5 (v) Title 14, Subtitle 9 of this article, Kosher Products;
- 6 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;
- 7 (vii) Section 14-1302 of this article;
- 8 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales
9 Act;
- 10 (ix) Section 22-415 of the Transportation Article;
- 11 (x) Title 14, Subtitle 20 of this article;
- 12 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
13 Enforcement Act;
- 14 (xii) Title 14, Subtitle 21 of this article;
- 15 (xiii) Section 18-107 of the Transportation Article;
- 16 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
17 Solicitations Act;
- 18 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
19 Act;
- 20 (xvi) Title 10, Subtitle 6 of the Real Property Article;
- 21 (xvii) Title 10, Subtitle 8 of the Real Property Article;
- 22 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;
23 [or]
- 24 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door
25 Solicitations Act; or
- 26 (XX) TITLE 14, SUBTITLE 29 OF THIS ARTICLE, THE TELEMARKETING
27 REGISTRATION AND FRAUD PREVENTION ACT; OR
- 28 (15) Act or omission that relates to a residential building and that is
29 chargeable as a misdemeanor under or otherwise violates a provision of the Energy
30 Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utility
31 Companies Article.

1 14-2202.1.

2 A MERCHANT SHALL DISCLOSE THE FOLLOWING TO A CONSUMER DURING A
3 TELEPHONE SOLICITATION:

4 (1) WITHIN THE FIRST MINUTE OF THE CALL AND PRIOR TO ANY SALES
5 PRESENTATION:

6 (I) THAT THE PURPOSE OF THE CALL IS TO MAKE A SALE;

7 (II) THE MERCHANT'S NAME AND THE COMPANY ON WHOSE
8 BEHALF THE TELEPHONE SOLICITATION IS BEING MADE; AND

9 (III) THE IDENTITY OF THE GOODS OR SERVICES BEING SOLD;

10 (2) THE TOTAL COST OF THE GOODS OR SERVICES THAT ARE THE
11 SUBJECT OF THE TELEPHONE SOLICITATION;

12 (3) ANY RESTRICTIONS, LIMITATIONS, OR CONDITIONS THAT APPLY TO
13 THE PURCHASE OF THE GOODS OR SERVICES THAT ARE THE SUBJECT OF THE
14 TELEPHONE SOLICITATION;

15 (4) ANY MATERIAL ASPECT OF THE PERFORMANCE, QUALITY, EFFICACY,
16 NATURE, OR BASIC CHARACTERISTICS OF THE GOODS OR SERVICES THAT ARE THE
17 SUBJECT OF THE TELEPHONE SOLICITATION; AND

18 (5) ANY MATERIAL ASPECT OF THE NATURE OR TERMS OF THE REFUND,
19 CANCELLATION, EXCHANGE, OR REPURCHASE POLICIES.

20 14-2203.

21 (a) A contract made pursuant to a telephone solicitation is not valid and
22 enforceable against a consumer unless made in compliance with this subtitle.

23 (b) A contract made pursuant to a telephone solicitation:

24 (1) Shall be reduced to writing and signed by the consumer;

25 (2) Shall comply with all other applicable laws and regulations;

26 (3) Shall match the description of goods or services as that principally
27 used in the telephone solicitation;

28 (4) Shall contain the name, address, and telephone number of the seller,
29 the total price of the contract, THE DATE OF THE TELEPHONE SOLICITATION, and a
30 detailed description of the goods or services being sold;

31 (5) Shall contain, in at least 12-point type, immediately preceding the
32 signature, the following statement:

1 "You are not obligated to pay any money unless you sign this contract and return
2 it to the seller."; [and]

3 (6) SHALL CONTAIN, IN AT LEAST 12-POINT BOLDFACE TYPE AND IN
4 SUBSTANTIALLY THE SAME LANGUAGE USED IN THE SALES PRESENTATION, THE
5 FOLLOWING STATEMENT:

6 "YOU, THE PURCHASER, MAY CANCEL THIS TRANSACTION WITHOUT ANY
7 PENALTY OR OBLIGATION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD
8 BUSINESS DAY AFTER RECEIPT OF THIS NOTICE. IF YOU CANCEL, ANY PAYMENTS
9 MADE BY YOU UNDER THE SALE WILL BE RETURNED WITHIN 10 BUSINESS DAYS
10 FOLLOWING RECEIPT BY THE SELLER OF YOUR WRITTEN NOTICE OF CANCELLATION
11 AND ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE
12 CANCELED.

13 IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR
14 RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN YOU RECEIVED THE
15 GOODS, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OF SALE, OR YOU
16 MAY COMPLY WITH THE INSTRUCTION OF THE SELLER REGARDING THE RETURN
17 SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSE AND RISK.

18 IF YOU DO MAKE THE GOODS AVAILABLE TO THE SELLER, AND THE SELLER
19 DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF
20 CANCELLATION, OR AGREE TO PAY THE EXPENSE OF THEIR RETURN, YOU MAY
21 RETAIN OR DISPOSE OF THE GOODS WITHOUT FURTHER OBLIGATION. IF YOU FAIL
22 TO MAKE THE GOODS AVAILABLE TO THE SELLER, OR IF YOU AGREE TO RETURN THE
23 GOODS TO THE SELLER AND FAIL TO DO SO, THEN YOU REMAIN LIABLE FOR
24 PERFORMANCE OF ALL OBLIGATIONS UNDER THE CONTRACT.

25 TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A WRITTEN NOTICE OF
26 CANCELLATION TO (NAME OF THE MERCHANT) AT THE FOLLOWING ADDRESS
27 (ADDRESS OF THE MERCHANT)."; AND

28 [(6)] (7) May not exclude from its terms any oral or written
29 representations made by the merchant to the consumer in connection with the
30 transaction.

31 14-2204.1.

32 THE FOLLOWING SHALL CONSTITUTE A VIOLATION OF THIS SUBTITLE:

33 (1) THREATENING, INTIMIDATING, OR USING PROFANE OR OBSCENE
34 LANGUAGE;

35 (2) CAUSING THE TELEPHONE TO RING MORE THAN FIVE TIMES IN AN
36 INTENDED TELEMARKETING CALL;

37 (3) INITIATING A TELEMARKETING CALL TO A PERSON, WHEN THAT
38 PERSON HAS STATED PREVIOUSLY THAT THE PERSON DOES NOT WISH TO RECEIVE
39 SOLICITATION CALLS FROM THAT TELEMARKETING BUSINESS;

1 (4) ENGAGING IN TELEMARKETING TO A PERSON'S RESIDENCE AT ANY
2 TIME OTHER THAN BETWEEN 8 A.M. AND 9 P.M. LOCAL TIME, AT THE CALLED
3 PERSON'S LOCATION; OR

4 (5) FAILING TO COMPLY WITH ANY REQUIREMENT OF THIS SUBTITLE.

5 SUBTITLE 29. TELEMARKETING REGISTRATION.

6 14-2901.

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) "CONSUMER" MEANS A PERSON WHO IS REQUIRED OR WHO MAY BE
10 REQUIRED TO PAY FOR GOODS OR SERVICES OFFERED BY A TELEMARKETER
11 THROUGH TELEMARKETING.

12 (C) "DIVISION" MEANS THE DIVISION OF CONSUMER PROTECTION OF THE
13 OFFICE OF THE ATTORNEY GENERAL.

14 (D) "GOODS OR SERVICES" MEANS ANY REAL PROPERTY OR ANY TANGIBLE OR
15 INTANGIBLE PERSONAL PROPERTY OR SERVICES OF ANY KIND PROVIDED OR
16 OFFERED TO A CONSUMER.

17 (E) "OWNER" INCLUDES ANY PERSON THAT IS AN OWNER, OPERATOR,
18 OFFICER, DIRECTOR, OR PARTNER TO A TELEMARKETING BUSINESS.

19 (F) "TELEMARKETER" MEANS A PERSON WHO INITIATES OR RECEIVES
20 TELEPHONE CALLS TO OR FROM A CONSUMER IN THE STATE FOR A TELEMARKETING
21 BUSINESS.

22 (G) "TELEMARKETING" MEANS A PLAN, PROGRAM, OR CAMPAIGN WHICH IS
23 CONDUCTED TO INDUCE THE PURCHASE OF GOODS OR SERVICES BY USE OF ONE OR
24 MORE TELEPHONES AND WHICH INVOLVES MORE THAN ONE TELEPHONE CALL.

25 14-2902.

26 THIS SUBTITLE DOES NOT APPLY TO:

27 (1) TELEPHONE CALLS IN WHICH THE SALE OF GOODS OR SERVICES IS
28 NOT COMPLETED AND PAYMENT OR AUTHORIZATION OF PAYMENT IS NOT REQUIRED
29 UNTIL A FACE-TO-FACE SALES PRESENTATION BY THE TELEMARKETER OCCURS;

30 (2) TELEPHONE CALLS INITIATED BY A CONSUMER THAT ARE NOT THE
31 RESULT OF ANY SOLICITATION BY A TELEMARKETER;

32 (3) TELEPHONE CALLS BASED ON:

33 (I) PRIOR NEGOTIATIONS WITH THE POTENTIAL CONSUMER;

34 (II) AN INQUIRY BY THE POTENTIAL CONSUMER; OR

1 (III) 1. A PREVIOUS SALE OR LEASE TO THE POTENTIAL
2 CONSUMER; OR

3 2. A PREEXISTING BUSINESS RELATIONSHIP WITH THE
4 POTENTIAL CONSUMER; OR

5 (4) TELEPHONE CALLS BY A CHARITABLE ORGANIZATION AS DEFINED
6 IN § 6-101 OF THE BUSINESS REGULATION ARTICLE.

7 14-2903.

8 (A) A TELEMARKETING BUSINESS SHALL REGISTER ANNUALLY WITH THE
9 DIVISION BEFORE ENGAGING IN TELEMARKETING IN THE STATE.

10 (B) AN APPLICANT FOR REGISTRATION SHALL:

11 (1) SUBMIT TO THE DIVISION AN APPLICATION ON THE FORM THAT THE
12 DIVISION REQUIRES AT LEAST 60 DAYS PRIOR TO OFFERING CONSUMER GOODS OR
13 SERVICE BY TELEMARKETING;

14 (2) PAY TO THE DIVISION A REGISTRATION FEE OF \$100 AT THE TIME OF
15 REGISTRATION; AND

16 (3) SUBMIT TO THE DIVISION PROOF THAT THE TELEMARKETING
17 BUSINESS PURCHASED THE SURETY BOND REQUIRED BY SUBSECTION (E) OF THIS
18 SECTION.

19 (C) BEFORE A REGISTRATION TO ENGAGE IN TELEMARKETING EXPIRES, THE
20 TELEMARKETING BUSINESS MAY RENEW IT FOR AN ADDITIONAL 1-YEAR TERM, IF
21 THE TELEMARKETING BUSINESS:

22 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

23 (2) PAYS TO THE DIVISION A RENEWAL FEE OF \$100;

24 (3) SUBMITS PROOF THAT THE SURETY BOND REQUIRED BY
25 SUBSECTION (E) OF THIS SECTION IS STILL IN EFFECT; AND

26 (4) SUBMITS TO THE DIVISION:

27 (I) A RENEWAL APPLICATION ON THE FORM THAT THE DIVISION
28 REQUIRES; AND

29 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE
30 REQUIREMENTS SET UNDER THIS SUBTITLE.

31 (D) THE APPLICATION FOR A CERTIFICATE OF REGISTRATION OR RENEWAL
32 SHALL INCLUDE THE FOLLOWING INFORMATION:

1 (1) THE NAME, CURRENT ADDRESS, TELEPHONE NUMBER, AND
2 LOCATION OF THE OWNER, INCLUDING EACH NAME UNDER WHICH THE OWNER
3 INTENDS TO ENGAGE IN TELEMARKETING;

4 (2) EACH OCCUPATION OR BUSINESS THAT THE OWNER HAS ENGAGED
5 IN FOR 2 YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION;

6 (3) WHETHER THE OWNER HAS BEEN CONVICTED OR HAS PLEADED
7 GUILTY OR IS BEING PROSECUTED BY INDICTMENT FOR RACKETEERING VIOLATIONS
8 OF STATE OR FEDERAL SECURITIES LAWS OR A THEFT OFFENSE;

9 (4) WHETHER THERE HAS BEEN AN INJUNCTION, TEMPORARY
10 RESTRAINING ORDER, A FINAL JUDGMENT IN ANY CIVIL OR ADMINISTRATIVE
11 ACTION, OR A PENDING LITIGATION AGAINST THE OWNER INVOLVING FRAUD,
12 THEFT, RACKETEERING, EMBEZZLEMENT, FRAUDULENT CONVERSION, OR
13 MISAPPROPRIATION OF PROPERTY;

14 (5) WHETHER THE OWNER HAS FILED FOR BANKRUPTCY, BEEN
15 ADJUDGED BANKRUPT, OR BEEN REORGANIZED BECAUSE OF INSOLVENCY DURING
16 THE LAST 7 YEARS;

17 (6) THE NAME, ADDRESS, AND ACCOUNT NUMBER OF EVERY
18 INSTITUTION WHERE BANKING OR ANY OTHER MONETARY TRANSACTIONS ARE
19 DONE BY THE OWNER; AND

20 (7) A COPY OF ALL SCRIPTS, OUTLINES, AND PRESENTATION MATERIAL
21 THE OWNER WILL REQUIRE THE TELEMARKETER TO USE WHEN SOLICITING, AND
22 ALL SALES INFORMATION TO BE PROVIDED BY THE OWNER TO A CONSUMER IN
23 CONNECTION WITH ANY SOLICITATION.

24 (E) (1) (I) A TELEMARKETING BUSINESS SHALL PURCHASE A SURETY
25 BOND IN THE AMOUNT OF \$100,000.

26 (II) THE SURETY BOND SHALL REMAIN IN EFFECT FOR 3 YEARS
27 FROM THE DATE THE TELEMARKETING BUSINESS CEASES TO OPERATE IN THE
28 STATE.

29 (III) 1. A TELEMARKETING BUSINESS REQUIRED TO FILE A
30 SURETY BOND WITH A REGISTRATION APPLICATION MAY FILE A CERTIFICATE OF
31 DEPOSIT, CASH, OR GOVERNMENT BOND IN THE AMOUNT OF \$100,000 IN LIEU OF THE
32 SURETY BOND.

33 2. THE DIVISION SHALL HOLD THE CERTIFICATE OF
34 DEPOSIT, CASH, OR GOVERNMENT BOND FOR 3 YEARS FROM THE DATE THE
35 TELEMARKETING BUSINESS CEASES TO OPERATE IN THE STATE.

36 (2) THE BOND SHALL PROVIDE FOR THE INDEMNIFICATION OF ANY
37 PERSON SUFFERING A LOSS AS A RESULT OF A VIOLATION OF THIS SUBTITLE.

1 (3) (I) THE SURETY FOR ANY CAUSE MAY CANCEL THE BOND UPON
2 GIVING A 60-DAY WRITTEN NOTICE BY CERTIFIED MAIL TO THE OWNER AND THE
3 DIVISION.

4 (II) UNLESS THE BOND IS REPLACED BY ANOTHER SURETY BEFORE
5 THE EXPIRATION OF THE 60 DAYS' NOTICE OF CANCELLATION, THE REGISTRATION
6 OF THE OWNER OF THIS SUBTITLE SHALL BE TREATED AS LAPSED.

7 (4) THE REGISTRATION OF THE TELEMARKETING BUSINESS WILL BE
8 TREATED AS LAPSED IF AT ANY TIME, THE AMOUNT OF THE BOND, CERTIFICATE OF
9 DEPOSIT, CASH, OR GOVERNMENT BOND FALLS BELOW THE AMOUNT REQUIRED BY
10 THIS SUBSECTION.

11 (5) THE AGGREGATE LIABILITY OF THE SURETY COMPANY TO ALL
12 PERSONS INJURED BY AN OWNER'S VIOLATIONS MAY NOT EXCEED THE AMOUNT OF
13 THE BOND.

14 14-2904.

15 (A) AN OWNER SHALL KEEP FOR A PERIOD OF 2 YEARS FROM THE DATE THE
16 RECORD IS PRODUCED, A RECORD OF ALL FINANCIAL TRANSACTIONS, WRITTEN
17 NOTICES, DISCLOSURES, AND ACKNOWLEDGMENTS IN THE FORM, MANNER,
18 FORMAT, OR PLACE AS THOSE RECORDS ARE KEPT IN THE ORDINARY COURSE OF
19 BUSINESS, INCLUDING:

20 (1) ALL ADVERTISING, BROCHURES, TELEMARKETING SCRIPTS, AND
21 PROMOTIONAL MATERIAL;

22 (2) IF A GOOD OR SERVICE IS SOLD, THE NAME AND LAST KNOWN
23 ADDRESS OF EACH CONSUMER, THE GOODS OR SERVICES PURCHASED, THE
24 SHIPMENT DATE OF THE GOODS OR PROVISION DATE OF SERVICES, THE AMOUNT OF
25 GOODS OR SERVICES PROVIDED, AND THE AMOUNT PAID BY THE CONSUMER FOR
26 THE GOODS OR SERVICES;

27 (3) THE NAME, CURRENT HOME ADDRESS, DATE OF BIRTH, SOCIAL
28 SECURITY NUMBER, AND ALL OTHER NAMES OF THE FOLLOWING PERSONS:

29 (I) EACH TELEMARKETER OR OTHER PERSON EMPLOYED BY THE
30 OWNER;

31 (II) EACH PERSON PARTICIPATING IN OR RESPONSIBLE FOR THE
32 MANAGEMENT OF THE OWNER'S TELEMARKETING BUSINESS; AND

33 (III) EACH PERSON, OFFICE MANAGER, OR SUPERVISOR
34 PRINCIPALLY RESPONSIBLE FOR THE MANAGEMENT OF THE OWNER'S BUSINESS;
35 AND

36 (4) ALL WRITTEN AUTHORIZATIONS REQUIRED TO BE PROVIDED OR
37 RECEIVED UNDER THIS SUBTITLE.

1 (B) (1) IN THE EVENT OF ANY DISSOLUTION OR TERMINATION OF THE
2 TELEMARKETER'S BUSINESS, THE OWNER OF THAT TELEMARKETING BUSINESS
3 SHALL MAINTAIN ALL RECORDS REQUIRED UNDER THIS SECTION.

4 (2) IN THE EVENT OF SALE, ASSIGNMENT, OR OTHER CHANGE IN
5 OWNERSHIP OF THE TELEMARKETING BUSINESS, THE SUCCESSOR SHALL MAINTAIN
6 ALL RECORDS REQUIRED UNDER THIS SECTION.

7 14-2905.

8 THE DIVISION MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS
9 SUBTITLE.

10 14-2906.

11 THE FOLLOWING SHALL CONSTITUTE A VIOLATION OF THIS SUBTITLE:

12 (1) INCLUDING FALSE OR MISLEADING INFORMATION ON A
13 REGISTRATION APPLICATION;

14 (2) MISREPRESENTING THAT THE SELLER OR TELEMARKETER IS
15 REGISTERED;

16 (3) ADVERTISING OR REPRESENTING THAT REGISTRATION AS A
17 TELEMARKETER EQUALS AN ENDORSEMENT OR APPROVAL BY ANY GOVERNMENT
18 OR GOVERNMENTAL AGENCY OF THE STATE; OR

19 (4) FAILING TO COMPLY WITH ANY REQUIREMENT OF THIS SUBTITLE.

20 14-2907.

21 IN ADDITION TO ANY REMEDIES OTHERWISE AVAILABLE AT LAW, A VIOLATION
22 OF THIS SUBTITLE SHALL BE AN UNFAIR AND DECEPTIVE TRADE PRACTICE UNDER
23 TITLE 13, SUBTITLE 3 OF THIS ARTICLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 January 1, 2001.