

SENATE BILL 288

Unofficial Copy  
C5  
SB 449/02 - FIN

2003 Regular Session  
3r0318

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By: **Senators Frosh, Forehand, and Hughes**  
Introduced and read first time: January 31, 2003  
Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Wireless Telephone Services - Definitions, Exemptions, and Consumer**  
3                                   **Protection**

4 FOR the purpose of authorizing certain customers of certain wireless telephone  
5 services to cancel certain contracts and return certain equipment under certain  
6 circumstances; providing that certain provisions of the Public Utility Companies  
7 Article apply to wireless telephone companies; requiring the Public Service  
8 Commission to adopt certain regulations; authorizing the Commission to  
9 conduct certain investigations; providing the Commission with access to certain  
10 records of wireless telephone companies; providing the Office of People's  
11 Counsel with certain duties and powers in regard to wireless telephone  
12 companies; defining certain terms; and generally relating to wireless telephone  
13 services.

14 BY repealing and reenacting, with amendments,  
15 Article - Public Utility Companies  
16 Section 1-101(w) and (kk) and 2-110(a)  
17 Annotated Code of Maryland  
18 (1998 Volume and 2002 Supplement)

19 BY adding to  
20 Article - Public Utility Companies  
21 Section 1-101(qq) and (rr); 8-601 through 8-605, inclusive, to be under the new  
22 subtitle "Subtitle 6. Wireless Telephone Service"  
23 Annotated Code of Maryland  
24 (1998 Volume and 2002 Supplement)

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

1 **Article - Public Utility Companies**

2 1-101.

3 (w) (1) "Public service company" means a common carrier company, electric  
4 company, gas company, sewage disposal company, telegraph company, telephone  
5 company, water company, or any combination of public service companies.

6 (2) "PUBLIC SERVICE COMPANY" DOES NOT INCLUDE A WIRELESS  
7 TELEPHONE COMPANY.

8 (kk) [(1)] "Telephone company" means a public service company that:

9 [(i)] (1) owns telephone lines to receive, transmit, or communicate  
10 telephone or teletype communications; or

11 [(ii)] (2) leases, licenses, or sells telephone or teletype  
12 communications.

13 [(2)] "Telephone company" does not include a cellular telephone company.]

14 (QQ) "WIRELESS TELEPHONE COMPANY" MEANS A COMPANY THAT PROVIDES  
15 WIRELESS TELEPHONE SERVICE TO END-USE CUSTOMERS USING SATELLITE OR  
16 TERRESTRIAL RADIO SIGNALS.

17 (RR) "WIRELESS TELEPHONE SERVICE" MEANS A PUBLIC TWO-WAY VOICE OR  
18 DATA COMMUNICATIONS SERVICE THAT A WIRELESS TELEPHONE COMPANY  
19 PROVIDES FOR A FEE USING THE PUBLIC SWITCHED TELEPHONE NETWORK TO AN  
20 END USER.

21 2-110.

22 (a) In this section, "public service company" includes an electricity [supplier  
23 and] SUPPLIER, a gas supplier, AND A WIRELESS TELEPHONE COMPANY as those  
24 terms are defined in § 1-101 of this article.

25 **SUBTITLE 6. WIRELESS TELEPHONE SERVICE.**

26 8-601.

27 **NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE**  
28 **FOLLOWING PROVISIONS APPLY TO A WIRELESS TELEPHONE COMPANY:**

29 (1) § 8-404 OF THIS TITLE (CHANGE IN CUSTOMER SERVICE);

30 (2) § 8-204 OF THIS TITLE (TELEPHONE SOLICITATION - AUTOMATIC  
31 DIALING); AND

32 (3) § 8-205 OF THIS TITLE (TELEPHONE SOLICITATION - CALLER  
33 IDENTIFICATION BLOCKING).

1 8-602.

2 (A) THE COMMISSION SHALL ADOPT REGULATIONS TO PROTECT  
3 RESIDENTIAL CUSTOMERS WHO PURCHASE WIRELESS TELEPHONE SERVICE.

4 (B) THE REGULATIONS SHALL:

5 (1) SPECIFY QUALITY OF SERVICE STANDARDS AND REQUIREMENTS  
6 THAT THE COMMISSION CONSIDERS REASONABLE;

7 (2) REQUIRE WIRELESS TELEPHONE COMPANIES TO DISCLOSE, IN A  
8 FORMAT APPROVED BY THE COMMISSION, THE PRICE AND SERVICE TERMS OF ALL  
9 SERVICE PLANS AND OFFERS MADE TO RESIDENTIAL CUSTOMERS; AND

10 (3) ALLOW A RESIDENTIAL CUSTOMER TO RESCIND THE CUSTOMER'S  
11 CONTRACT WITH A WIRELESS TELEPHONE COMPANY AND TO RETURN THE  
12 WIRELESS TELEPHONE WITHIN 14 DAYS AFTER EXECUTING THE CONTRACT.

13 8-603.

14 THE COMMISSION MAY INVESTIGATE A COMPLAINT BY A RESIDENTIAL  
15 CUSTOMER AGAINST A WIRELESS TELEPHONE COMPANY AND MAY INVESTIGATE  
16 VIOLATIONS OF REGULATIONS ADOPTED UNDER THIS SUBTITLE.

17 8-604.

18 THE COMMISSION SHALL HAVE ACCESS TO THE BOOKS AND RECORDS OF  
19 WIRELESS TELEPHONE COMPANIES AS NECESSARY TO CARRY OUT ITS  
20 RESPONSIBILITIES UNDER THIS SUBTITLE.

21 8-605.

22 WITH RESPECT TO MATTERS INVOLVING WIRELESS TELEPHONE COMPANIES,  
23 THE OFFICE OF PEOPLE'S COUNSEL SHALL HAVE THE DUTIES AND POWERS SET  
24 FORTH IN §§ 2-204 AND 2-205 OF THIS ARTICLE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2003.