

Department of Legislative Services  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Bill 785  
Economic Matters

(Delegate Jones, *et al.*)

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**Consumer Protection - Telephone Directory Listings - Misrepresentation of Geographical Location of Business**

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This bill prohibits a person from misrepresenting the geographic location of a business that derives at least 50% of its gross income from selling or arranging for the sale of flowers or floral arrangements in a local telephone directory or directory assistance database. Misrepresentation of the geographical location is considered to have occurred if: (1) the business is not located within that location; (2) the listing does not identify the municipality, county, and state in which the business is located; and (3) calls to the local telephone number are routinely transferred elsewhere. A person may list in a telephone directory a business name that indicates that the business is located in a different geographic area from where it is located if the listing contains a conspicuous notice that state the municipality and state in which the business is located. The bill does not apply to a publisher of a telephone directory or provider of directory assistance services. Violation of the bill is an unfair and deceptive trade practice under the Maryland Consumer Protection Act.

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**Fiscal Summary**

**State Effect:** Assuming that the Consumer Protection Division receives fewer than 50 complaints per year stemming from this bill, any additional workload could be handled with existing resources.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** The definition of an unfair or deceptive trade practice under the Maryland Consumer Protection Act includes any false, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind which has the capacity, tendency, or effect of deceiving or misleading consumers. A violation of any provision of the Act is also an unfair or deceptive trade practice prohibited by the Act. A violation occurs regardless of whether a consumer in fact has been misled, deceived, or damaged as a result of the practice. Under the Act, a person may not engage in any unfair or deceptive trade practice in: (1) the sale, lease, rental, loan, or bailment of any consumer goods, consumer realty, or consumer service; or (2) the offer for sale, lease, rental, loan, or bailment of any consumer goods, consumer realty, or consumer service.

**Background:** The Consumer Protection Division within the Office of the Attorney General is responsible for pursuing unfair and deceptive trade practice claims under the Maryland Consumer Protection Act. The division may attempt conciliation, issue cease and desist orders, or seek action in court, including an injunction, to enforce the Act. Violators of the Act are also subject to criminal and civil penalties.

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### Additional Information

**Prior Introductions:** A similar bill, SB 887, was introduced during the 2002 session and received an unfavorable report from the Senate Finance Committee.

**Cross File:** None.

**Information Source(s):** Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

**Fiscal Note History:** First Reader - February 16, 2004  
ncs/mdr

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Analysis by: Ryan Wilson

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510