
By: **Senator Forehand**

Introduced and read first time: February 4, 2005

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Telephone Directories - Inclusion of Cellular Subscribers**

3 FOR the purpose of prohibiting a person from including the cellular number of a
4 cellular subscriber in a telephone directory without consent of the cellular
5 subscriber; establishing certain requirements for obtaining consent of a cellular
6 subscriber; providing for revocation of consent; making a violation of this Act an
7 unfair or deceptive trade practice under the Maryland Consumer Protection Act;
8 defining certain terms; and generally relating to telephone directories and
9 cellular subscribers.

10 BY repealing and reenacting, without amendments,
11 Article - Commercial Law
12 Section 13-301(14)(i)
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2004 Supplement)

15 BY adding to
16 Article - Commercial Law
17 Section 13-319
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2004 Supplement)

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

22 **Article - Commercial Law**

23 13-301.

24 Unfair or deceptive trade practices include any:

25 (14) Violation of a provision of:

26 (i) This title;

1 13-319.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "CELLULAR NUMBER" MEANS THE TELEPHONE NUMBER OF A
5 CELLULAR SUBSCRIBER IN THE STATE THROUGH CELLULAR TELEPHONE OR OTHER
6 WIRELESS TELECOMMUNICATION SERVICE.

7 (3) "CELLULAR SUBSCRIBER" MEANS:

8 (I) AN INDIVIDUAL WHO SUBSCRIBES TO CELLULAR TELEPHONE
9 OR OTHER WIRELESS TELECOMMUNICATION SERVICE IN THE STATE; OR

10 (II) ANY INDIVIDUAL WHO RESIDES WITH A SUBSCRIBER.

11 (4) (I) "TELEPHONE DIRECTORY" MEANS A LISTING OF NAMES,
12 TELEPHONE NUMBERS, AND ADDRESSES PRODUCED FOR DISTRIBUTION TO
13 HOUSEHOLDS AND BUSINESSES.

14 (II) "TELEPHONE DIRECTORY" INCLUDES AN INTERNET-BASED
15 SERVICE THAT PROVIDES TELEPHONE LISTINGS ON REQUEST OF A USER.

16 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON MAY NOT
17 INCLUDE IN A TELEPHONE DIRECTORY A LISTING OF A CELLULAR NUMBER OF A
18 CELLULAR SUBSCRIBER WITHOUT THE EXPRESS CONSENT OF THE CELLULAR
19 SUBSCRIBER.

20 (C) A PERSON MAY OBTAIN THE EXPRESS CONSENT OF A CELLULAR
21 SUBSCRIBER TO THE INCLUSION OF THE CELLULAR SUBSCRIBER'S CELLULAR
22 NUMBER IN A TELEPHONE DIRECTORY:

23 (1) IN WRITING; OR

24 (2) ORALLY, ONLY IF THE PERSON:

25 (I) PROMPTLY SENDS CONFIRMATION OF CONSENT TO THE
26 CELLULAR SUBSCRIBER BY MAIL OR BY ELECTRONIC MAIL, AT THE ELECTION OF
27 THE CELLULAR SUBSCRIBER, AT THE ADDRESS PROVIDED BY THE CELLULAR
28 SUBSCRIBER; AND

29 (II) PROVIDES TO THE CELLULAR SUBSCRIBER AN EFFECTIVE
30 MEANS OF REVOKING CONSENT.

31 (D) A PERSON WHO OBTAINS THE CONSENT OF A CELLULAR SUBSCRIBER
32 THAT IS SUBSEQUENTLY REVOKED MAY NOT BE HELD LIABLE UNDER THIS SECTION
33 FOR INCLUSION OF THE CELLULAR NUMBER IN A DIRECTORY THAT IS FINALIZED
34 FOR PUBLICATION BEFORE THE PERSON RECEIVES THE REVOCATION.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2005.

