

# SENATE BILL 523

C5, I3

71r0749

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By: **Senator Brochin**

Introduced and read first time: February 2, 2007

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Telephone Solicitation – Prohibitions on Automated Calls**

3 FOR the purpose of prohibiting a person from using an automated dialing system with  
4 a prerecorded message to call a residential telephone number in the State under  
5 certain circumstances; prohibiting a person from using an automated dialing  
6 system with a prerecorded message for political campaigns or political  
7 messages; and generally relating to prohibitions on automated telephone calls.

8 BY repealing and reenacting, with amendments,  
9 Article – Commercial Law  
10 Section 14–3201  
11 Annotated Code of Maryland  
12 (2005 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Public Utility Companies  
15 Section 8–204  
16 Annotated Code of Maryland  
17 (1998 Volume and 2006 Supplement)

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

20 **Article – Commercial Law**

21 14–3201.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) A person may not violate:

2 (1) The Telemarketing and Consumer Fraud and Abuse Prevention  
3 Act, 15 U.S.C. §§ 6101 through 6108, as implemented by the Federal Trade  
4 Commission in the Telemarketing Sales Rule (16 C.F.R. Part 310); or

5 (2) The Telephone Consumer Protection Act, 47 U.S.C. § 227, as  
6 implemented by the Federal Communications Commission in the Restrictions on  
7 Telemarketing and Telephone Solicitations Rule (47 C.F.R. Part 64, Subpart L).

8 (B) (1) **THIS SUBSECTION APPLIES TO A RESIDENTIAL TELEPHONE**  
9 **NUMBER IN THE STATE THAT HAS BEEN REGISTERED WITH THE NATIONAL**  
10 **DO-NOT-CALL REGISTRY AS MAINTAINED BY THE FEDERAL TRADE**  
11 **COMMISSION AND THE FEDERAL COMMUNICATIONS COMMISSION.**

12 (2) **SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, A PERSON**  
13 **MAY NOT USE AN AUTOMATED DIALING SYSTEM WITH A PRERECORDED**  
14 **MESSAGE TO CALL A RESIDENTIAL TELEPHONE NUMBER.**

15 (3) **THE PROVISIONS UNDER PARAGRAPHS (1) AND (2) OF THIS**  
16 **SUBSECTION DO NOT APPLY TO A PERSON THAT IS EXEMPTED FROM**  
17 **AUTOMATED DIALING PROHIBITIONS UNDER § 8-204(A) OF THE PUBLIC**  
18 **UTILITY COMPANIES ARTICLE.**

19 **Article – Public Utility Companies**

20 8-204.

21 (a) This section does not apply to:

22 (1) a unit of federal, State, or local government that uses an  
23 automated dialing prerecorded message machine for emergency purposes; or

24 (2) a person who has a preexisting business relationship with, or the  
25 consent of, the person called.

26 (b) A person may not use an automated dialing, push-button, or  
27 tone-activated address signaling system with a prerecorded message to:

28 (1) solicit persons to purchase, lease, or rent goods or services;

1           (2)    offer a gift or prize;

2           (3)    conduct a poll; [or]

3           (4)    request survey information if the results will be used directly to  
4 solicit persons to purchase, lease, or rent goods or services;

5                   **(5)    PROMOTE A POLITICAL CAMPAIGN OR ANY USE RELATING TO**  
6 **A POLITICAL CAMPAIGN; OR**

7                   **(6)    CONVEY A POLITICAL MESSAGE.**

8           (c)    The sender of an automated dialing, push-button, or tone-activated  
9 address signaling call shall disconnect the prerecorded message machine from the  
10 recipient's telephone line within 5 seconds after the termination of the call by either  
11 the person calling or the person called.

12           (d)    A person who violates a provision of subsection (b) or (c) of this section is  
13 guilty of a misdemeanor and on conviction is subject to a fine:

14                   (1)    not exceeding \$1,000 for the first offense; and

15                   (2)    not exceeding \$5,000 for each subsequent offense.

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2007.