

SENATE BILL 220

I3

3lr1890
CF HB 117

By: **Senator McFadden**

Introduced and read first time: January 18, 2013

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Television Service Providers – Missed Appointments**

3 FOR the purpose of requiring certain television service providers to notify a subscriber
4 of the subscriber’s right to receive an installation or repair service within a
5 certain period of time under certain circumstances; requiring a television
6 service provider and a subscriber to agree on the time at which a certain period
7 begins; establishing certain penalties if a television service provider does not
8 begin an installation or repair service within a certain time period; establishing
9 certain exceptions; prohibiting a television service provider from canceling an
10 installation or repair service appointment with a subscriber after the close of
11 business on a certain day; providing that a certain service contract that waives
12 or modifies certain rights is void; defining a certain term; providing for the
13 application of this Act; and generally relating to television service providers.

14 BY adding to

15 Article – Commercial Law

16 Section 14–1324

17 Annotated Code of Maryland

18 (2005 Replacement Volume and 2012 Supplement)

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

21 **Article – Commercial Law**

22 **14–1324.**

23 **(A) IN THIS SECTION, “TELEVISION SERVICE PROVIDER” MEANS A**
24 **FRANCHISED OR PRIVATE:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) CABLE TELEVISION COMPANY; OR

2 (2) SATELLITE TELEVISION COMPANY.

3 (B) (1) IF THE SUBSCRIBER'S PRESENCE IS REQUIRED, A TELEVISION
4 SERVICE PROVIDER SHALL NOTIFY A SUBSCRIBER OF THE SUBSCRIBER'S RIGHT
5 TO RECEIVE AN INSTALLATION OR REPAIR SERVICE WITHIN A 3-HOUR PERIOD.

6 (2) BEFORE THE DATE OF SERVICE, THE TELEVISION SERVICE
7 PROVIDER AND THE SUBSCRIBER SHALL AGREE ON THE TIME AT WHICH THE
8 3-HOUR PERIOD BEGINS.

9 (C) (1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,
10 IF A TELEVISION SERVICE PROVIDER DOES NOT BEGIN AN INSTALLATION OR
11 REPAIR SERVICE WITHIN THE SPECIFIED 3-HOUR PERIOD, THE SUBSCRIBER
12 SHALL RECEIVE:

13 (I) INSTALLATION FREE OF CHARGE; OR

14 (II) IF A REPAIR WAS SCHEDULED, A CREDIT OR PAYMENT
15 IN AN AMOUNT NOT LESS THAN THE CURRENT CHARGE FOR 1 MONTH'S BASIC
16 TELEVISION SERVICE.

17 (2) A TELEVISION SERVICE PROVIDER SHALL:

18 (I) APPLY THE CREDIT UNDER PARAGRAPH (1)(II) OF THIS
19 SUBSECTION TO THE SUBSCRIBER'S MONTHLY BILL NO LATER THAN THE
20 SUBSCRIBER'S NEXT BILLING CYCLE; OR

21 (II) MAKE THE PAYMENT UNDER PARAGRAPH (1)(II) OF
22 THIS SUBSECTION BY CHECK MAILED TO THE SUBSCRIBER WITHIN 30 DAYS
23 AFTER THE DATE THE REPAIR WAS SCHEDULED.

24 (D) A TELEVISION SERVICE PROVIDER MAY NOT CANCEL AN
25 INSTALLATION OR REPAIR SERVICE APPOINTMENT WITH A SUBSCRIBER AFTER
26 THE CLOSE OF BUSINESS ON THE LAST BUSINESS DAY BEFORE THE
27 APPOINTMENT.

28 (E) SUBSECTION (C) OF THIS SECTION DOES NOT APPLY IF THE
29 TELEVISION SERVICE PROVIDER:

1 **(1) ATTEMPTED TO MAKE THE INSTALLATION OR REPAIR**
2 **SERVICE WITHIN THE SPECIFIED 3-HOUR PERIOD AND THE SUBSCRIBER WAS**
3 **NOT PRESENT; OR**

4 **(2) ATTEMPTED TO NOTIFY THE SUBSCRIBER OF THE TELEVISION**
5 **SERVICE PROVIDER'S INABILITY TO MAKE THE INSTALLATION OR REPAIR**
6 **SERVICE DUE TO AN UNFORESEEN OR UNAVOIDABLE OCCURRENCE AND THE**
7 **SUBSCRIBER COULD NOT BE REACHED AT THE CONTACT TELEPHONE NUMBER**
8 **PROVIDED BY THE SUBSCRIBER.**

9 **(F) A PROVISION OF A SERVICE CONTRACT BETWEEN A TELEVISION**
10 **SERVICE PROVIDER AND A SUBSCRIBER BY WHICH THE SUBSCRIBER AGREES TO**
11 **MODIFY OR WAIVE ANY OF THE RIGHTS PROVIDED UNDER THIS SECTION IS**
12 **VOID.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
14 construed to apply only prospectively and may not be applied or interpreted to have
15 any effect on or application to any contract entered into before the effective date of this
16 Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2013.