

HOUSE BILL 924

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4r1451
CF SB 950

By: **Delegates Arora, Barkley, Barnes, Braveboy, Glenn, Hucker, and Kramer**
Introduced and read first time: February 5, 2014
Assigned to: Economic Matters

A BILL ENTITLED

AN ACT concerning

Consumer Protection – Monitoring Consumer Behavior and Shopping Habits – Required Notice

FOR the purpose of prohibiting a merchant from using a wireless Internet signal or a cellular phone to monitor the behavior or shopping habits of a certain consumer unless the merchant displays, at each entrance to the merchant's business premises, a certain notice in a certain manner; providing that a violation of this Act is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; defining certain terms; and generally relating to merchants and the use of technology to monitor consumer behavior or shopping habits.

BY adding to

Article – Commercial Law
Section 14–1324
Annotated Code of Maryland
(2013 Replacement Volume)

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

Article – Commercial Law

14–1324.

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

(2) “CONSUMER” HAS THE MEANING STATED IN § 13–101 OF THIS ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) “MERCHANT” HAS THE MEANING STATED IN § 13–101 OF THIS ARTICLE.

(B) A MERCHANT MAY NOT USE A WIRELESS INTERNET SIGNAL OR A CELLULAR PHONE TO MONITOR THE BEHAVIOR OR SHOPPING HABITS OF A CONSUMER WHO IS SHOPPING ON THE MERCHANT’S BUSINESS PREMISES UNLESS THE MERCHANT DISPLAYS AT EACH ENTRANCE TO THE MERCHANT’S BUSINESS PREMISES A NOTICE THAT CLEARLY AND CONSPICUOUSLY DISCLOSES TO THE CONSUMER THAT THE MERCHANT IS USING TECHNOLOGY TO MONITOR CONSUMER BEHAVIOR OR SHOPPING HABITS.

(C) A VIOLATION OF THIS SECTION:

(1) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER TITLE 13 OF THIS ARTICLE; AND

(2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.