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§14–1322.

(a) (1) In this section the following words have the meanings indicated.

(2) “Billing agent” means a person that submits charges for products or services to a telephone company or reseller on behalf of the person submitting the charges or on behalf of a third-party vendor.

(3) “Customer” means a customer of a telephone company or reseller.

(4) “Express authorization” means an express, affirmative act by an ordering customer in the form of:

(i) A written authorization;

(ii) An oral authorization verified and recorded by an independent party; or

(iii) A recorded electronic authorization.

(5) “Ordering customer” means a customer or another person ordering services that will appear on the customer’s telephone bill.

(6) “Reseller” means a person that provides wireline telephone voice service by using the transmission facilities of another person.

(7) “Telephone company” means a person that provides wireline telephone voice services.

(8) “Third-party vendor” means an entity not affiliated with a telephone company or reseller that:

(i) Provides products or services to a customer; and

(ii) Seeks to charge the customer through third-party vendor billing.

(9) (i) “Third-party vendor billing” means the use of a telephone company’s or reseller’s billing system, either directly or through a billing agent, to charge a customer for products or services provided by a third-party vendor.

(ii) “Third-party vendor billing” does not include billing for:

1. Products or services offered by, or bundled with the products or services of, a telephone company, a reseller, or an affiliate of a telephone company or reseller;

2. Long distance services that a customer initiates by dialing 1+, 0+, 0-, or 1010XXX; or

3. Commercial mobile radio services.

(b) Unless the third-party vendor or billing agent first obtains an ordering customer's express authorization, a third-party vendor or billing agent may not submit charges to a telephone company or reseller.

(c) The express authorization required under subsection (b) of this section shall:

(1) Be separate from any solicitation material or entry forms for sweepstakes or contests; and

(2) Include:

(i) The name and telephone number of the ordering customer;

(ii) The date of authorization;

(iii) An explanation of:

1. The product or service offered; and

2. All applicable charges; and

(iv) An affirmation by the ordering customer that:

1. The ordering customer is at least 18 years of age and authorized to order services that will appear on the customer's telephone bill; and

2. Third-party vendor billing charges may be billed using the customer's telephone bill.

(d) A third-party vendor or billing agent shall retain a copy of the express authorization required under subsection (b) of this section for 2 years after the date of authorization.

(e) A customer is not liable for third-party vendor billing charges unless:

(1) The customer has been given notice that the telephone company or reseller may allow third-party vendor billing and that free blocking of certain third-party vendor billing may be available to the customer; and

(2) The customer is provided access to:

(i) An itemization of the third-party vendor billing charges identifying them separately from other charges; and

(ii) The name and telephone number of the third-party vendor or its billing agent.

(f) Unless the third-party vendor or billing agent provides a copy of the authorization required under subsection (b) of this section to the customer and to the telephone company or reseller, a customer is not liable for third-party vendor billing charges if the customer, in good faith and in a reasonably timely manner, but not outside the time period specified in subsection (d) of this section, disputes that the charges were authorized.

(g) An agreement for third-party vendor billing entered into by a telephone company or reseller and a third-party vendor or billing agent on or after October 1, 2010, is void and unenforceable to the extent that it does not require the third-party vendor to comply with subsection (b) of this section.

(h) A violation of this section by a third-party vendor or billing agent:

(1) Is an unfair or deceptive trade practice under Title 13 of this article;
and

(2) Except for the provisions of § 13-411 of this article, is subject to the enforcement and penalty provisions contained in Title 13 of this article.

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