

**HB1090/923594/1**

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1090  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “call” insert “with the intent to defraud, harass, cause harm, or obtain anything of value; providing for the application of this Act”; and in line 8, after “(15)” insert “, 13-401, and 13-408(a) and (b)”.

AMENDMENT NO. 2

On page 2, after line 11, insert:

“13-401.

(a) A consumer who is subjected to a violation of this title may file with the Division a written complaint which states:

(1) The name and address of the person alleged to have committed the violation complained of;

(2) The particulars of the violation; and

(3) Any other information required by the Division.

(b) After the filing of a complaint, the Division shall investigate the allegations to ascertain issues and facts. If appropriate, the Division shall refer a complaint to the Federal Trade Commission.

(c) The Division may seek the cooperation of the licensing authorities and contracting departments of the State in connection with its investigation of a person

(Over)

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who is licensed to do business in the State or who has a contractual relationship with the State.

(d) If the Division determines that the complaint lacks reasonable grounds on which to base a violation of this subtitle, it may:

(1) Dismiss the complaint; or

(2) Conduct any further investigation it considers necessary.

(e) This section does not prevent a consumer from:

(1) Exercising any right or seeking any remedy to which he might otherwise be entitled; or

(2) Filing a complaint with any other agency or court.

13-408.

(a) In addition to any action by the Division or Attorney General authorized by this title and any other action otherwise authorized by law, any person may bring an action to recover for injury or loss sustained by him as the result of a practice prohibited by this title.

(b) Any person who brings an action to recover for injury or loss under this section and who is awarded damages may also seek, and the court may award, reasonable attorney's fees."

**AMENDMENT NO. 3**

On page 2, in line 18, after "STATE" insert "**WITH THE INTENT TO DEFRAUD, HARASS, CAUSE HARM TO, OR OBTAIN ANYTHING OF VALUE FROM ANOTHER**"; in

the same line, strike “OR PERSON”; and in line 19, after “(C)” insert “THIS SECTION DOES NOT APPLY TO:”

(1) THE BLOCKING OF CALLER IDENTIFICATION INFORMATION;

(2) A FEDERAL, STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY;

(3) A FEDERAL INTELLIGENCE OR SECURITY AGENCY; OR

(4) A TELECOMMUNICATIONS, BROADBAND, OR VOICE OVER INTERNET PROTOCOL SERVICE PROVIDER THAT IS:

(i) ACTING IN THE TELECOMMUNICATIONS, BROADBAND, OR VOICE OVER INTERNET PROTOCOL SERVICE PROVIDER’S CAPACITY AS AN INTERMEDIARY FOR THE TRANSMISSION OF TELEPHONE SERVICE BETWEEN THE CALLER AND THE RECIPIENT;

(ii) PROVIDING OR CONFIGURING A SERVICE OR SERVICE FEATURE AS REQUESTED BY THE CUSTOMER;

(iii) ACTING IN A MANNER THAT IS AUTHORIZED OR REQUIRED BY APPLICABLE LAW; OR

(iv) ENGAGING IN OTHER CONDUCT THAT IS NECESSARY TO PROVIDE SERVICE.

(D)”.