

# HOUSE BILL 1090

I3, C5

(8lr3419)

**ENROLLED BILL**  
— *Economic Matters/Finance* —

Introduced by **Delegate Afzali**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Consumer Protection – Caller ID Spoofing Ban of 2018**

3 FOR the purpose of prohibiting an individual or a person from taking certain actions to  
4 provide false location information when placing a telephone call with the intent to  
5 defraud, harass, cause harm, or *wrongfully* obtain anything of value; providing for  
6 the application of this Act; establishing a certain penalty; defining ~~a certain term~~  
7 *certain terms*; and generally relating to caller ID spoofing.

8 BY repealing and reenacting, without amendments,

9 Article – Commercial Law

10 Section 13–301(1), (14)(xxx), and (15), 13–401, and 13–408(a) and (b)

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 Article – Commercial Law  
 2 Section 13–301(14)(xxix)  
 3 Annotated Code of Maryland  
 4 (2013 Replacement Volume and 2017 Supplement)

5 BY adding to  
 6 Article – Commercial Law  
 7 Section 13–301(14)(xxxi) and 14–1326  
 8 Annotated Code of Maryland  
 9 (2013 Replacement Volume and 2017 Supplement)

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

12 **Article – Commercial Law**

13 13–301.

14 Unfair or deceptive trade practices include any:

15 (1) False, falsely disparaging, or misleading oral or written statement,  
 16 visual description, or other representation of any kind which has the capacity, tendency, or  
 17 effect of deceiving or misleading consumers;

18 (14) Violation of a provision of:

19 (xxix) Title 19, Subtitle 7 of the Business Regulation Article; [or]

20 (xxx) Section 15–311.3 of the Transportation Article; or

21 **(XXXI) SECTION 14–1326 OF THIS ARTICLE; OR**

22 (15) Act or omission that relates to a residential building and that is  
 23 chargeable as a misdemeanor under or otherwise violates a provision of the Energy  
 24 Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article.

25 13–401.

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

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

30 (2) The particulars of the violation; and

31 (3) Any other information required by the Division.

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

4 (c) The Division may seek the cooperation of the licensing authorities and  
5 contracting departments of the State in connection with its investigation of a person who  
6 is licensed to do business in the State or who has a contractual relationship with the State.

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

9 (1) Dismiss the complaint; or

10 (2) Conduct any further investigation it considers necessary.

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

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

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

15 13-408.

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

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

23 14-1326.

24 (A) ~~IN THIS SECTION, "CALLER ID SPOOFING" MEANS THE PRACTICE OF~~  
25 ~~USING AN APPLICATION OR OTHER TECHNOLOGY FOR A TELEPHONE TO BLOCK THE~~  
26 ~~CALLER'S TRUE LOCATION AND INSTEAD SHOW A FALSE LOCATION THAT APPEARS~~  
27 ~~TO BE LOCAL TO THE INDIVIDUAL RECEIVING THE CALL (1) IN THIS SECTION THE~~  
28 ~~FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

29 (2) "CALLER IDENTIFICATION INFORMATION" MEANS INFORMATION  
30 PROVIDED BY A CALLER IDENTIFICATION SERVICE REGARDING THE TELEPHONE  
31 NUMBER OF, OR OTHER INFORMATION REGARDING THE ORIGIN OF, A CALL MADE

1 USING A COMMUNICATIONS SERVICE, INCLUDING A TELECOMMUNICATIONS,  
2 BROADBAND, OR INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE.

3 (3) "CALLER ID SPOOFING" MEANS THE PRACTICE OF USING AN  
4 APPLICATION OR OTHER TECHNOLOGY IN CONNECTION WITH A COMMUNICATIONS  
5 SERVICE, INCLUDING A TELECOMMUNICATIONS, BROADBAND, OR INTERCONNECTED  
6 VOICE OVER INTERNET PROTOCOL SERVICE, TO KNOWINGLY CAUSE ANY CALLER  
7 IDENTIFICATION SERVICE TO TRANSMIT FALSE OR MISLEADING CALLER  
8 IDENTIFICATION INFORMATION TO AN INDIVIDUAL RECEIVING A CALL.

9 (B) AN INDIVIDUAL OR PERSON MAY NOT PERFORM CALLER ID SPOOFING  
10 WHEN CONTACTING ANOTHER INDIVIDUAL ~~OR PERSON~~ IN THE STATE WITH THE  
11 INTENT TO DEFRAUD, HARASS, CAUSE HARM TO, OR WRONGFULLY OBTAIN  
12 ANYTHING OF VALUE FROM ANOTHER.

13 (C) THIS SECTION DOES NOT APPLY TO:

14 (1) THE BLOCKING OF CALLER IDENTIFICATION INFORMATION;

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

17 (3) A FEDERAL INTELLIGENCE OR SECURITY AGENCY; OR

18 (4) A COMMUNICATIONS SERVICE PROVIDER, INCLUDING A  
19 TELECOMMUNICATIONS, BROADBAND, OR VOICE OVER INTERNET PROTOCOL  
20 SERVICE PROVIDER, THAT IS:

21 (I) ACTING IN THE ~~TELECOMMUNICATIONS, BROADBAND, OR~~  
22 ~~VOICE OVER INTERNET PROTOCOL~~ COMMUNICATIONS SERVICE PROVIDER'S  
23 CAPACITY AS AN INTERMEDIARY FOR THE TRANSMISSION OF TELEPHONE SERVICE  
24 BETWEEN THE CALLER AND THE RECIPIENT;

25 (II) PROVIDING OR CONFIGURING A SERVICE OR SERVICE  
26 FEATURE AS REQUESTED BY THE CUSTOMER;

27 (III) ACTING IN A MANNER THAT IS AUTHORIZED OR REQUIRED  
28 BY APPLICABLE LAW; OR

29 (IV) ENGAGING IN OTHER CONDUCT THAT IS NECESSARY TO  
30 PROVIDE SERVICE.

31 (D) A VIOLATION OF THIS SECTION IS:

1           **(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE**  
2 **MEANING OF TITLE 13 OF THIS ARTICLE; AND**

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

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2018.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.