
By: Senator Ruben

Requested: August 28, 1995

Introduced and read first time: January 10, 1996

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law - Unsolicited Faxed Documents - Toll-Free Telephone Numbers to**
3 **Request Cessation of Transmission**

4 FOR the purpose of requiring any person who sends an unsolicited "faxed" document to
5 a person in the State to include a toll-free telephone number that the recipient of
6 the unsolicited faxed document may call to notify the sender that no further
7 unsolicited faxed document be sent to the telephone number specified by the
8 document recipient; defining a certain term; specifying certain requirements for the
9 toll-free telephone number notice; specifying that this Act, and certain provisions
10 relating to faxed commercial solicitations, do not apply to telecommunications
11 companies under certain circumstances; and generally relating to the sending and
12 receiving of unsolicited faxed documents and notice to the sender to cease such
13 transmissions.

14 BY repealing and reenacting, with amendments,
15 Article - Commercial Law
16 Section 14-1313
17 Annotated Code of Maryland
18 (1990 Replacement Volume and 1995 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 14-1313.

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

24 (2) "Facsimile device" means a machine that receives and copies
25 reproductions or facsimiles of documents or photographs that have been transmitted
26 electronically or telephonically over telecommunications lines.

27 (3) "FAXED DOCUMENT" MEANS A REPRODUCTION OR FACSIMILE OF A
28 DOCUMENT OR PHOTOGRAPH THAT HAS BEEN TRANSMITTED ELECTRONICALLY OR
29 TELEPHONICALLY OVER TELECOMMUNICATION LINES.

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1 [(3)] (4) (i) "Commercial solicitation" means the unsolicited electronic
2 or telephonic transmission in the State to a facsimile device to encourage a person to
3 purchase goods, realty, or services.

4 (ii) "Commercial solicitation" does not include:

5 1. An electronic or telephonic transmission made in the course
6 of prior negotiations; or

7 2. An electronic or telephonic transmission made in the course
8 of a preexisting business relationship with the person receiving the transmission.

9 (b) A person may not [make] intentionally MAKE an electronic or telephonic
10 transmission to a facsimile device for the purpose of commercial solicitation.

11 (C) (1) A PERSON MAY NOT INTENTIONALLY MAKE AN ELECTRONIC OR
12 TELEPHONIC TRANSMISSION TO A FACSIMILE DEVICE UNLESS THAT PERSON
13 ESTABLISHES A TOLL-FREE TELEPHONE NUMBER THAT THE RECIPIENT OF THE
14 UNSOLICITED FAXED DOCUMENT MAY CALL TO NOTIFY THE SENDER NOT TO SEND
15 THE RECIPIENT ANY FURTHER UNSOLICITED FAXED DOCUMENTS.

16 (2) EACH UNSOLICITED FAXED DOCUMENT SUBJECT TO THIS
17 SUBSECTION SHALL INCLUDE A STATEMENT, IN AT LEAST 9-POINT TYPE,
18 INFORMING THE RECIPIENT OF THE TOLL-FREE TELEPHONE NUMBER THE
19 RECIPIENT MAY CALL, AND AN ADDRESS THE RECIPIENT MAY WRITE TO,
20 NOTIFYING THE SENDER NOT TO SEND THE RECIPIENT ANY FURTHER UNSOLICITED
21 FAX DOCUMENTS AT THE TELEPHONE NUMBER SPECIFIED BY THE RECIPIENT.

22 (D) UPON RECEIPT OF THE NOTICE SPECIFIED UNDER SUBSECTION (C) OF
23 THIS SECTION, A PERSON MAY NOT SEND OR CAUSE TO BE SENT AN UNSOLICITED
24 FAX DOCUMENT TO THE TELEPHONE NUMBER IDENTIFIED IN THE NOTICE.

25 (E) THIS SECTION MAY NOT BE CONSTRUED TO INCLUDE OR REFER TO THE
26 TRANSMISSION OF ANY FAXED DOCUMENT BY A TELECOMMUNICATIONS COMPANY
27 TO THE EXTENT THAT THE TELECOMMUNICATIONS COMPANY MERELY CARRIES
28 THE TRANSMISSION OF ANOTHER PERSON OVER THE COMPANY'S
29 TELECOMMUNICATIONS NETWORK.

30 [(c)] (F) (1) The Attorney General may initiate a civil action against any person
31 who violates this section to recover for the State a penalty not to exceed \$1,000 for each
32 violation.

33 (2) For the purposes of this section, each prohibited commercial solicitation
34 is a separate violation.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1996.