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HB 727/96 - ENV

1997 Regular Session
7r1447

By: Delegates Bobo, Hubbard, Frush, and Nathan-Pulliam

Introduced and read first time: January 31, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Automated Dialing Systems - Availability of Sender**

3 FOR the purpose of prohibiting a sender of a telephone call using certain automated
4 dialing systems from initiating the call unless the sender is on the line and ready to
5 respond to the recipient at the time of the call, subject to certain exceptions; and
6 providing certain penalties for a violation of this Act.

7 BY repealing and reenacting, with amendments,
8 Article 78 - Public Service Commission Law
9 Section 55C
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1996 Supplement)

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

14 **Article 78 - Public Service Commission Law**

15 55C.

16 (a) A person may not utilize an automated dialing or push-button or
17 tone-activated address signaling system with a prerecorded message for the purpose of
18 soliciting persons to purchase, lease, or rent goods or services, offering a gift or prize,
19 conducting a poll, or requesting survey information where results are to be used directly
20 for the purpose of soliciting persons to purchase, lease, or rent goods or services.

21 (b) The sender of an automated dialing, push-button, or tone-activated address
22 signaling call shall disconnect the prerecorded message machine from the recipient's
23 telephone line within 5 seconds after the termination of the call by either the person
24 calling or the person called.

25 (c) A SENDER OF AN AUTOMATED DIALING, PUSH-BUTTON, OR
26 TONE-ACTIVATED ADDRESS SIGNALING CALL MAY NOT INITIATE THE CALL UNLESS
27 THE SENDER IS ON THE LINE AND READY TO RESPOND TO THE RECIPIENT AT THE
28 TIME OF THE CALL.

29 (D) This section does not apply to:

2

1 (1) An agency of federal, State, or local government that uses an automated
2 dialing prerecorded message machine for emergency purposes; or

3 (2) Any person who has a preexisting business relationship with, or the
4 consent of, the person called.

5 [(d)] (E) A person who violates the provisions of this section is guilty of a
6 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for the first
7 offense and not exceeding \$5,000 for each additional or subsequent offense.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1997.