
By: **Delegates Genn, Rosenberg, Goldwater, Barve, Kopp, and Gordon**
Introduced and read first time: February 13, 1998
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection - Unsolicited Electronic Mail Transmissions**

3 FOR the purpose of prohibiting certain intentional electronic, telephonic or wireless
4 transmissions in the State to an electronic mail device for the purpose of
5 commercial solicitation; defining a term; and generally relating to unsolicited
6 transmissions to an electronic mail device.

7 BY repealing and reenacting, with amendments,
8 Article - Commercial Law
9 Section 14-1313
10 Annotated Code of Maryland
11 (1990 Replacement Volume and 1997 Supplement)

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

14 **Article - Commercial Law**

15 14-1313.

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

17 (2) "Facsimile device" means a machine that receives and copies
18 reproductions or facsimiles of documents or photographs that have been transmitted
19 electronically, [or] telephonically over telecommunications lines OR BY WIRELESS
20 MEANS.

21 (3) "ELECTRONIC MAIL DEVICE" MEANS ANY COMPUTER OR SIMILAR
22 MACHINE THAT CREATES MESSAGES THAT HAVE BEEN TRANSMITTED
23 ELECTRONICALLY OR TELEPHONICALLY OVER TELECOMMUNICATIONS LINES OR BY
24 WIRELESS MEANS AND ARE TRANSFERRED TO ANOTHER COMPUTER OR SIMILAR
25 MACHINE.

26 [(3)] (4) (i) "Commercial solicitation" means the unsolicited electronic,
27 [or] telephonic OR WIRELESS transmission in the State to a facsimile device to
28 encourage a person to purchase goods, realty, or services.

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

2 1. An electronic, [or] telephonic OR WIRELESS transmission
3 made in the course of prior negotiations; or

4 2. An electronic, [or] telephonic OR WIRELESS transmission
5 made in the course of a preexisting business relationship with the person receiving
6 the transmission.

7 (b) A person may not make intentionally an electronic, [or] telephonic OR
8 WIRELESS transmission to a facsimile device OR AN ELECTRONIC MAIL DEVICE for
9 the purpose of commercial solicitation.

10 (c) (1) The Attorney General may initiate a civil action against any person
11 who violates this section to recover for the State a penalty not to exceed \$1,000 for
12 each violation.

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1998.