

HOUSE BILL 1145

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HB 819/97 - ENV

1998 Regular Session
8r2030

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

Introduced and read first time: February 13, 1998

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 a call unless the sender is on the line and ready
5 to respond to the recipient at the time of the call, subject to certain exceptions;
6 and providing certain penalties for a violation of this Act.

7 BY repealing and reenacting, with amendments,
8 Article - Public Utility Companies
9 Section 8-204
10 Annotated Code of Maryland
11 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
12 1998)

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

15 **Article - Public Utility Companies**

16 8-204.

17 (a) This section does not apply to:

18 (1) a unit of federal, State, or local government that uses an automated
19 dialing prerecorded message machine for emergency purposes; or

20 (2) a person who has a preexisting business relationship with, or the
21 consent of, the person called.

22 (b) A person may not use an automated dialing, push-button, or
23 tone-activated address signaling system with a prerecorded message to:

24 (1) solicit persons to purchase, lease, or rent goods or services;

25 (2) offer a gift or prize;

1 (3) conduct a poll; or

2 (4) request survey information if the results will be used directly to
3 solicit persons to purchase, lease, or rent goods or services.

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

8 (d) A SENDER OF AN AUTOMATED DIALING, PUSH-BUTTON, OR
9 TONE-ACTIVATED ADDRESS SIGNALING CALL MAY NOT INITIATE THE CALL UNLESS
10 THE SENDER IS ON THE LINE AND READY TO RESPOND TO THE RECIPIENT AT THE
11 TIME OF THE CALL.

12 (E) A person who violates a provision of subsection [(b) or (c)] (B), (C), OR (D) of
13 this section is guilty of a misdemeanor and on conviction is subject to a fine:

14 (1) Not exceeding \$1,000 for the first offense; and

15 (2) Not exceeding \$5,000 for each subsequent offense.

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