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By: **Delegates Hixson, Barkley, Benson, Bozman, Bronrott, Cane, Clagett, Conroy, D'Amato, C. Davis, DeCarlo, Dypski, Finifter, Frush, Glassman, Goldwater, Healey, Heller, Howard, Hutchins, Kagan, Hubers, Cryor, Bobo, Hecht, Kirk, Kopp, Mandel, McIntosh, Menes, Moe, Montague, Nathan-Pulliam, Palumbo, Patterson, Pendergrass, Phillips, Pitkin, Rawlings, Riley, Rudolph, Rzepkowski, Slade, Snodgrass, Sophocleus, Swain, Turner, Valderrama, A. Jones, and Wood**

Introduced and read first time: February 12, 1999  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Telemarketing Registration and Fraud Prevention Act**

3 FOR the purpose of requiring certain businesses to register with the Division of  
4 Consumer Protection before engaging in telemarketing; requiring certain  
5 information and a certain fee to accompany a certain application to register to  
6 engage in telemarketing; requiring a surety bond effective for a certain period of  
7 time and for a certain amount to be posted with a certain application; allowing  
8 the use of certain forms of currency in lieu of a surety bond; providing for the use  
9 of a certain surety bond; allowing a certain surety to cancel a certain bond under  
10 certain conditions; limiting the amount of a certain liability to the amount of a  
11 certain surety bond; requiring a certain registration to lapse if a certain surety  
12 bond falls below a certain amount; requiring certain businesses to keep certain  
13 records for a certain period of time; requiring a merchant to provide certain  
14 information to consumers under certain circumstances; requiring a merchant to  
15 furnish a consumer with certain information; making certain acts a violation of  
16 this Act; making a certain violation an unfair or deceptive act or practice;  
17 authorizing the Division to adopt regulations; defining certain terms; providing  
18 for a delayed effective date; and generally relating to telemarketing registration  
19 and fraud prevention.

20 BY repealing and reenacting, with amendments,  
21 Article - Commercial Law  
22 Section 13-301 and 14-2203  
23 Annotated Code of Maryland  
24 (1990 Replacement Volume and 1998 Supplement)

25 BY adding to  
26 Article - Commercial Law

1 Section 14-2202.1 and 14-2204.1; and 14-2901 through 14-2907, inclusive, to  
2 be under the new subtitle "Subtitle 29. Telemarketing Registration"  
3 Annotated Code of Maryland  
4 (1990 Replacement Volume and 1998 Supplement)

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

7 **Article - Commercial Law**

8 13-301.

9 Unfair or deceptive trade practices include any:

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

13 (2) Representation that:

14 (i) Consumer goods, consumer realty, or consumer services have a  
15 sponsorship, approval, accessory, characteristic, ingredient, use, benefit, or quantity  
16 which they do not have;

17 (ii) A merchant has a sponsorship, approval, status, affiliation, or  
18 connection which he does not have;

19 (iii) Deteriorated, altered, reconditioned, reclaimed, or secondhand  
20 consumer goods are original or new; or

21 (iv) Consumer goods, consumer realty, or consumer services are of a  
22 particular standard, quality, grade, style, or model which they are not;

23 (3) Failure to state a material fact if the failure deceives or tends to  
24 deceive;

25 (4) Disparagement of the goods, realty, services, or business of another  
26 by a false or misleading representation of a material fact;

27 (5) Advertisement or offer of consumer goods, consumer realty, or  
28 consumer services:

29 (i) Without intent to sell, lease, or rent them as advertised or  
30 offered; or

31 (ii) With intent not to supply reasonably expected public demand,  
32 unless the advertisement or offer discloses a limitation of quantity or other qualifying  
33 condition;

34 (6) False or misleading representation of fact which concerns:

- 1 (i) The reason for or the existence or amount of a price reduction;  
2 or
- 3 (ii) A price in comparison to a price of a competitor or to one's own  
4 price at a past or future time;
- 5 (7) Knowingly false statement that a service, replacement, or repair is  
6 needed;
- 7 (8) False statement which concerns the reason for offering or supplying  
8 consumer goods, consumer realty, or consumer services at sale or discount prices;
- 9 (9) Deception, fraud, false pretense, false premise, misrepresentation, or  
10 knowing concealment, suppression, or omission of any material fact with the intent  
11 that a consumer rely on the same in connection with:
- 12 (i) The promotion or sale of any consumer goods, consumer realty,  
13 or consumer service; or
- 14 (ii) A contract or other agreement for the evaluation, perfection,  
15 marketing, brokering or promotion of an invention; or
- 16 (iii) The subsequent performance of a merchant with respect to an  
17 agreement of sale, lease, or rental;
- 18 (10) Solicitations of sales or services over the telephone without first  
19 clearly, affirmatively, and expressly stating:
- 20 (i) The solicitor's name and the trade name of a person represented  
21 by the solicitor;
- 22 (ii) The purpose of telephone conversation; and
- 23 (iii) The kind of merchandise, real property, intangibles, or service  
24 solicited;
- 25 (11) Use of any plan or scheme in soliciting sales or services over the  
26 telephone that misrepresents the solicitor's true status or mission;
- 27 (12) Use of a contract related to a consumer transaction which contains a  
28 confessed judgment clause that waives the consumer's right to assert a legal defense  
29 to an action;
- 30 (13) Use by a seller, who is in the business of selling consumer realty, of a  
31 contract related to the sale of single family residential consumer realty, including  
32 condominiums and townhouses, that contains a clause limiting or precluding the  
33 buyer's right to obtain consequential damages as a result of the seller's breach or  
34 cancellation of the contract;
- 35 (14) Violation of a provision of:

- 1 (i) This title;
- 2 (ii) An order of the Attorney General or agreement of a party  
3 relating to unit pricing under Title 14, Subtitle 1 of this article;
- 4 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt  
5 Collection Act;
- 6 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door  
7 Sales Act;
- 8 (v) Title 14, Subtitle 9 of this article, Kosher Products;
- 9 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;
- 10 (vii) Section 14-1302 of this article;
- 11 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales  
12 Act;
- 13 (ix) Section 22-415 of the Transportation Article;
- 14 (x) Title 14, Subtitle 20 of this article;
- 15 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty  
16 Enforcement Act;
- 17 (xii) Title 14, Subtitle 21 of this article;
- 18 (xiii) Section 18-107 of the Transportation Article;
- 19 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone  
20 Solicitations Act;
- 21 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts  
22 Act;
- 23 (xvi) Title 10, Subtitle 6 of the Real Property Article;
- 24 (xvii) Title 10, Subtitle 8 of the Real Property Article;
- 25 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;  
26 [or]
- 27 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door  
28 Solicitations Act; or
- 29 (XX) TITLE 14, SUBTITLE 29 OF THIS ARTICLE, THE TELEMARKETING  
30 REGISTRATION AND FRAUD PREVENTION ACT; OR

1 (15) Any act or omission that relates to a residential building and that is  
2 chargeable as a misdemeanor under or otherwise violates a provision of the Energy  
3 Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utility  
4 Companies Article.

5 14-2202.1.

6 A MERCHANT SHALL DISCLOSE THE FOLLOWING TO A CONSUMER DURING A  
7 TELEPHONE SOLICITATION:

8 (1) WITHIN THE FIRST MINUTE OF THE CALL AND PRIOR TO ANY SALES  
9 PRESENTATION:

10 (I) THAT THE PURPOSE OF THE CALL IS TO MAKE A SALE;

11 (II) THE MERCHANT'S NAME AND THE COMPANY ON WHOSE  
12 BEHALF THE TELEPHONE SOLICITATION IS BEING MADE; AND

13 (III) THE IDENTITY OF THE GOODS OR SERVICES BEING SOLD;

14 (2) THE TOTAL COST OF THE GOODS OR SERVICES THAT ARE THE  
15 SUBJECT OF THE TELEPHONE SOLICITATION;

16 (3) ANY RESTRICTIONS, LIMITATIONS, OR CONDITIONS THAT APPLY TO  
17 THE PURCHASE OF THE GOODS OR SERVICES THAT ARE THE SUBJECT OF THE  
18 TELEPHONE SOLICITATION;

19 (4) ANY MATERIAL ASPECT OF THE PERFORMANCE, QUALITY, EFFICACY,  
20 NATURE, OR BASIC CHARACTERISTICS OF THE GOODS OR SERVICES THAT ARE THE  
21 SUBJECT OF THE TELEPHONE SOLICITATION; AND

22 (5) ANY MATERIAL ASPECT OF THE NATURE OR TERMS OF THE REFUND,  
23 CANCELLATION, EXCHANGE, OR REPURCHASE POLICIES.

24 14-2203.

25 (a) A contract made pursuant to a telephone solicitation is not valid and  
26 enforceable against a consumer unless made in compliance with this subtitle.

27 (b) A contract made pursuant to a telephone solicitation:

28 (1) Shall be reduced to writing and signed by the consumer;

29 (2) Shall comply with all other applicable laws and regulations;

30 (3) Shall match the description of goods or services as that principally  
31 used in the telephone solicitation;

32 (4) Shall contain the name, address, and telephone number of the seller,  
33 the total price of the contract, THE DATE OF THE TELEPHONE SOLICITATION, and a  
34 detailed description of the goods or services being sold;

1 (5) Shall contain, in at least 12-point type, immediately preceding the  
2 signature, the following statement:

3 "You are not obligated to pay any money unless you sign this contract and return  
4 it to the seller."; [and]

5 (6) SHALL CONTAIN, IN AT LEAST 12-POINT BOLDFACE TYPE AND IN  
6 SUBSTANTIALLY THE SAME LANGUAGE USED IN THE SALES PRESENTATION, THE  
7 FOLLOWING STATEMENT:

8 "YOU, THE PURCHASER, MAY CANCEL THIS TRANSACTION WITHOUT ANY  
9 PENALTY OR OBLIGATION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD  
10 BUSINESS DAY AFTER RECEIPT OF THIS NOTICE. IF YOU CANCEL, ANY PAYMENTS  
11 MADE BY YOU UNDER THE SALE WILL BE RETURNED WITHIN 10 BUSINESS DAYS  
12 FOLLOWING RECEIPT BY THE SELLER OF YOUR WRITTEN NOTICE OF CANCELLATION  
13 AND ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE  
14 CANCELED.

15 IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR  
16 RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN YOU RECEIVED THE  
17 GOODS, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OF SALE, OR YOU  
18 MAY COMPLY WITH THE INSTRUCTION OF THE SELLER REGARDING THE RETURN  
19 SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSE AND RISK.

20 IF YOU DO MAKE THE GOODS AVAILABLE TO THE SELLER, AND THE SELLER  
21 DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF  
22 CANCELLATION, OR AGREE TO PAY THE EXPENSE OF THEIR RETURN, YOU MAY  
23 RETAIN OR DISPOSE OF THE GOODS WITHOUT FURTHER OBLIGATION. IF YOU FAIL  
24 TO MAKE THE GOODS AVAILABLE TO THE SELLER, OR IF YOU AGREE TO RETURN THE  
25 GOODS TO THE SELLER AND FAIL TO DO SO, THEN YOU REMAIN LIABLE FOR  
26 PERFORMANCE OF ALL OBLIGATIONS UNDER THE CONTRACT.

27 TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A WRITTEN NOTICE OF  
28 CANCELLATION TO (NAME OF THE MERCHANT) AT THE FOLLOWING ADDRESS  
29 (ADDRESS OF THE MERCHANT)."; AND

30 [(6)] (7) May not exclude from its terms any oral or written  
31 representations made by the merchant to the consumer in connection with the  
32 transaction.

33 14-2204.1.

34 THE FOLLOWING SHALL CONSTITUTE A VIOLATION OF THIS SUBTITLE:

35 (1) THREATENING, INTIMIDATING, OR USING PROFANE OR OBSCENE  
36 LANGUAGE;

37 (2) CAUSING THE TELEPHONE TO RING MORE THAN FIVE TIMES IN AN  
38 INTENDED TELEMARKETING CALL;

1 (3) INITIATING A TELEMARKETING CALL TO A PERSON, WHEN THAT  
2 PERSON HAS STATED PREVIOUSLY THAT THE PERSON DOES NOT WISH TO RECEIVE  
3 SOLICITATION CALLS FROM THAT TELEMARKETING BUSINESS;

4 (4) ENGAGING IN TELEMARKETING TO A PERSON'S RESIDENCE AT ANY  
5 TIME OTHER THAN BETWEEN 8 A.M. AND 9 P.M. LOCAL TIME, AT THE CALLED  
6 PERSON'S LOCATION; OR

7 (5) FAILING TO COMPLY WITH ANY REQUIREMENT OF THIS SUBTITLE.

8 SUBTITLE 29. TELEMARKETING REGISTRATION.

9 14-2901.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12 (B) "CONSUMER" MEANS A PERSON WHO IS REQUIRED OR WHO MAY BE  
13 REQUIRED TO PAY FOR GOODS OR SERVICES OFFERED BY A TELEMARKETER  
14 THROUGH TELEMARKETING.

15 (C) "DIVISION" MEANS THE DIVISION OF CONSUMER PROTECTION OF THE  
16 OFFICE OF THE ATTORNEY GENERAL.

17 (D) "GOODS OR SERVICES" MEANS ANY REAL PROPERTY OR ANY TANGIBLE OR  
18 INTANGIBLE PERSONAL PROPERTY OR SERVICES OF ANY KIND PROVIDED OR  
19 OFFERED TO A CONSUMER.

20 (E) "OWNER" INCLUDES ANY PERSON THAT IS AN OWNER, OPERATOR,  
21 OFFICER, DIRECTOR, OR PARTNER TO A TELEMARKETING BUSINESS.

22 (F) "TELEMARKETER" MEANS A PERSON WHO INITIATES OR RECEIVES  
23 TELEPHONE CALLS TO OR FROM A CONSUMER IN THE STATE FOR A TELEMARKETING  
24 BUSINESS.

25 (G) "TELEMARKETING" MEANS A PLAN, PROGRAM, OR CAMPAIGN WHICH IS  
26 CONDUCTED TO INDUCE THE PURCHASE OF GOODS OR SERVICES BY USE OF ONE OR  
27 MORE TELEPHONES AND WHICH INVOLVES MORE THAN ONE TELEPHONE CALL.

28 14-2902.

29 THIS SECTION DOES NOT APPLY TO:

30 (1) TELEPHONE CALLS IN WHICH THE SALE OF GOODS OR SERVICES IS  
31 NOT COMPLETED, AND PAYMENT OR AUTHORIZATION OF PAYMENT IS NOT  
32 REQUIRED UNTIL A FACE-TO-FACE SALES PRESENTATION BY THE TELEMARKETER  
33 OCCURS;

34 (2) TELEPHONE CALLS INITIATED BY A CONSUMER THAT ARE NOT THE  
35 RESULT OF ANY SOLICITATION BY A TELEMARKETER;

- 1           (3)     TELEPHONE CALLS BASED ON:
- 2                   (I)     PRIOR NEGOTIATIONS WITH THE POTENTIAL CONSUMER;
- 3                   (II)    AN INQUIRY BY THE POTENTIAL CONSUMER; OR
- 4                   (III)   1.     A PREVIOUS SALE OR LEASE TO THE POTENTIAL  
5 CONSUMER; OR
- 6                               2.     A PREEXISTING BUSINESS RELATIONSHIP WITH THE  
7 POTENTIAL CONSUMER; OR
- 8           (4)     TELEPHONE CALLS BY A CHARITABLE ORGANIZATION AS DEFINED  
9 IN § 6-101 OF THE BUSINESS REGULATION ARTICLE.
- 10 14-2903.
- 11    (A)     A TELEMARKETING BUSINESS SHALL REGISTER ANNUALLY WITH THE  
12 DIVISION BEFORE ENGAGING IN TELEMARKETING IN THE STATE.
- 13    (B)     AN APPLICANT FOR REGISTRATION SHALL:
- 14           (1)     SUBMIT TO THE DIVISION AN APPLICATION ON THE FORM THAT THE  
15 DIVISION REQUIRES AT LEAST 60 DAYS PRIOR TO OFFERING CONSUMER GOODS OR  
16 SERVICE BY TELEMARKETING;
- 17           (2)     PAY TO THE DIVISION A REGISTRATION FEE OF \$100 AT THE TIME OF  
18 REGISTRATION; AND
- 19           (3)     SUBMIT TO THE DIVISION PROOF THAT THE TELEMARKETING  
20 BUSINESS PURCHASED THE SURETY BOND REQUIRED BY SUBSECTION (E) OF THIS  
21 SECTION.
- 22    (C)     BEFORE A REGISTRATION TO ENGAGE IN TELEMARKETING EXPIRES, THE  
23 TELEMARKETING BUSINESS MAY RENEW IT FOR AN ADDITIONAL 1-YEAR TERM, IF  
24 THE TELEMARKETING BUSINESS:
- 25           (1)     OTHERWISE IS ENTITLED TO BE LICENSED;
- 26           (2)     PAYS TO THE DIVISION A RENEWAL FEE OF \$100;
- 27           (3)     SUBMITS PROOF THAT THE SURETY BOND REQUIRED BY  
28 SUBSECTION (E) OF THIS SECTION IS STILL IN EFFECT; AND
- 29           (4)     SUBMITS TO THE DIVISION:
- 30                   (I)     A RENEWAL APPLICATION ON THE FORM THAT THE DIVISION  
31 REQUIRES; AND
- 32                   (II)    SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE  
33 REQUIREMENTS SET UNDER THIS SUBTITLE.



1 (D) THE APPLICATION FOR A CERTIFICATE OF REGISTRATION OR RENEWAL  
2 SHALL INCLUDE THE FOLLOWING INFORMATION:

3 (1) THE NAME, CURRENT ADDRESS, TELEPHONE NUMBER, AND  
4 LOCATION OF THE OWNER, INCLUDING EACH NAME UNDER WHICH THE OWNER  
5 INTENDS TO ENGAGE IN TELEMARKETING;

6 (2) EACH OCCUPATION OR BUSINESS THAT THE OWNER HAS ENGAGED  
7 IN FOR 2 YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION;

8 (3) WHETHER THE OWNER HAS BEEN CONVICTED OR HAS PLEADED  
9 GUILTY OR IS BEING PROSECUTED BY INDICTMENT FOR RACKETEERING VIOLATIONS  
10 OF STATE OR FEDERAL SECURITIES LAWS OR A THEFT OFFENSE;

11 (4) WHETHER THERE HAS BEEN AN INJUNCTION, TEMPORARY  
12 RESTRAINING ORDER, A FINAL JUDGMENT IN ANY CIVIL OR ADMINISTRATIVE  
13 ACTION, OR A PENDING LITIGATION AGAINST THE OWNER INVOLVING FRAUD,  
14 THEFT, RACKETEERING, EMBEZZLEMENT, FRAUDULENT CONVERSION, OR  
15 MISAPPROPRIATION OF PROPERTY;

16 (5) WHETHER THE OWNER HAS FILED FOR BANKRUPTCY, BEEN  
17 ADJUDGED BANKRUPT, OR BEEN REORGANIZED BECAUSE OF INSOLVENCY DURING  
18 THE LAST 7 YEARS;

19 (6) THE NAME, ADDRESS, AND ACCOUNT NUMBER OF EVERY  
20 INSTITUTION WHERE BANKING OR ANY OTHER MONETARY TRANSACTIONS ARE  
21 DONE BY THE OWNER; AND

22 (7) A COPY OF ALL SCRIPTS, OUTLINES, AND PRESENTATION MATERIAL  
23 THE OWNER WILL REQUIRE THE TELEMARKETER TO USE WHEN SOLICITING, AND  
24 ALL SALES INFORMATION TO BE PROVIDED BY THE OWNER TO A CONSUMER IN  
25 CONNECTION WITH ANY SOLICITATION.

26 (E) (1) (I) A TELEMARKETING BUSINESS SHALL PURCHASE A SURETY  
27 BOND IN THE AMOUNT OF \$100,000.

28 (II) THE SURETY BOND SHALL REMAIN IN EFFECT FOR 3 YEARS  
29 FROM THE DATE THE TELEMARKETING BUSINESS CEASES TO OPERATE IN THE  
30 STATE.

31 (III) 1. A TELEMARKETING BUSINESS REQUIRED TO FILE A  
32 SURETY BOND WITH A REGISTRATION APPLICATION MAY FILE A CERTIFICATE OF  
33 DEPOSIT, CASH, OR GOVERNMENT BOND IN THE AMOUNT OF \$100,000 IN LIEU OF THE  
34 SURETY BOND.

35 2. THE DIVISION SHALL HOLD SUCH CERTIFICATE OF  
36 DEPOSIT, CASH, OR GOVERNMENT BOND FOR 3 YEARS FROM THE DATE THE  
37 TELEMARKETING BUSINESS CEASES TO OPERATE IN THE STATE.

1 (2) THE BOND SHALL PROVIDE FOR THE INDEMNIFICATION OF ANY  
2 PERSON SUFFERING A LOSS AS A RESULT OF A VIOLATION OF THIS SUBTITLE.

3 (3) (I) THE SURETY FOR ANY CAUSE MAY CANCEL THE BOND UPON  
4 GIVING A 60-DAY WRITTEN NOTICE BY CERTIFIED MAIL TO THE OWNER AND THE  
5 DIVISION.

6 (II) UNLESS THE BOND IS REPLACED BY ANOTHER SURETY BEFORE  
7 THE EXPIRATION OF THE 60 DAYS' NOTICE OF CANCELLATION, THE REGISTRATION  
8 OF THE OWNER OF THIS SUBTITLE SHALL BE TREATED AS LAPSED.

9 (4) THE REGISTRATION OF THE TELEMARKETING BUSINESS WILL BE  
10 TREATED AS LAPSED IF AT ANY TIME, THE AMOUNT OF THE BOND, CERTIFICATE OF  
11 DEPOSIT, CASH, OR GOVERNMENT BOND FALLS BELOW THE AMOUNT REQUIRED BY  
12 THIS SUBSECTION.

13 (5) THE AGGREGATE LIABILITY OF THE SURETY COMPANY TO ALL  
14 PERSONS INJURED BY AN OWNER'S VIOLATIONS MAY NOT EXCEED THE AMOUNT OF  
15 THE BOND.

16 14-2904.

17 (A) AN OWNER SHALL KEEP FOR A PERIOD OF 2 YEARS FROM THE DATE THE  
18 RECORD IS PRODUCED, A RECORD OF ALL FINANCIAL TRANSACTIONS, WRITTEN  
19 NOTICES, DISCLOSURES, AND ACKNOWLEDGMENTS IN THE FORM, MANNER,  
20 FORMAT, OR PLACE AS SUCH RECORDS ARE KEPT IN THE ORDINARY COURSE OF  
21 BUSINESS, INCLUDING:

22 (1) ALL ADVERTISING, BROCHURES, TELEMARKETING SCRIPTS, AND  
23 PROMOTIONAL MATERIAL;

24 (2) IF A GOOD OR SERVICE SOLD, THE NAME AND LAST KNOWN ADDRESS  
25 OF EACH CONSUMER, THE GOODS OR SERVICES PURCHASED, THE SHIPMENT DATE  
26 OF THE GOODS OR PROVISION DATE OF SERVICES, THE AMOUNT OF GOODS OR  
27 SERVICES PROVIDED, AND THE AMOUNT PAID BY THE CONSUMER FOR THE GOODS  
28 OR SERVICES;

29 (3) THE NAME, CURRENT HOME ADDRESS, DATE OF BIRTH, SOCIAL  
30 SECURITY NUMBER, AND ALL OTHER NAMES OF THE FOLLOWING PERSONS:

31 (I) EACH TELEMARKETER OR OTHER PERSON EMPLOYED BY THE  
32 OWNER;

33 (II) EACH PERSON PARTICIPATING IN OR RESPONSIBLE FOR THE  
34 MANAGEMENT OF THE OWNER'S TELEMARKETING BUSINESS; AND

35 (III) EACH PERSON, OFFICE MANAGER, OR SUPERVISOR  
36 PRINCIPALLY RESPONSIBLE FOR THE MANAGEMENT OF THE OWNER'S BUSINESS;  
37 AND

1 (4) ALL WRITTEN AUTHORIZATIONS REQUIRED TO BE PROVIDED OR  
2 RECEIVED UNDER THIS SUBTITLE.

3 (B) (1) IN THE EVENT OF ANY DISSOLUTION OR TERMINATION OF THE  
4 TELEMARKETER'S BUSINESS, THE OWNER OF THAT TELEMARKETING BUSINESS  
5 SHALL MAINTAIN ALL RECORDS REQUIRED UNDER THIS SECTION.

6 (2) IN THE EVENT OF SALE, ASSIGNMENT, OR OTHER CHANGE IN  
7 OWNERSHIP OF THE TELEMARKETING BUSINESS, THE SUCCESSOR SHALL MAINTAIN  
8 ALL RECORDS REQUIRED UNDER THIS SECTION.

9 14-2905.

10 THE DIVISION MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS  
11 SUBTITLE.

12 14-2906.

13 THE FOLLOWING SHALL CONSTITUTE A VIOLATION OF THIS SUBTITLE:

14 (1) INCLUDING FALSE OR MISLEADING INFORMATION ON A  
15 REGISTRATION APPLICATION;

16 (2) MISREPRESENTING THAT THE SELLER OR TELEMARKETER IS  
17 REGISTERED;

18 (3) ADVERTISING OR REPRESENTING THAT REGISTRATION AS A  
19 TELEMARKETER EQUALS AN ENDORSEMENT OR APPROVAL BY ANY GOVERNMENT  
20 OR GOVERNMENTAL AGENCY OF THE STATE; OR

21 (4) FAILING TO COMPLY WITH ANY REQUIREMENT OF THIS SUBTITLE.

22 14-2907.

23 IN ADDITION TO ANY REMEDIES OTHERWISE AVAILABLE AT LAW, A VIOLATION  
24 OF THIS SUBTITLE SHALL BE AN UNFAIR AND DECEPTIVE TRADE PRACTICE UNDER  
25 TITLE 13, SUBTITLE 3 OF THIS ARTICLE.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 January 1, 2000.