
By: **Delegate Brown**

Introduced and read first time: January 24, 2000

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Electronic Commerce Disclosure Act**

3 FOR the purpose of requiring certain merchants who engage in electronic commerce
4 to provide a telephone number and mailing address to consumers for billing
5 inquiries and complaints; requiring certain merchants who engage in electronic
6 commerce to disclose to consumers the return policy of the merchant and if the
7 merchant accepts return goods, who pays for shipping; providing that a violation
8 of any of the disclosure provisions of this Act is an unfair or deceptive trade
9 practice under the Maryland Consumer Protection Act; authorizing the Division
10 of Consumer Protection of the Office of the Attorney General to adopt certain
11 regulations; defining certain terms; and generally relating to the disclosure of
12 certain information by merchants who engage in electronic commerce.

13 BY repealing and reenacting, with amendments,
14 Article - Commercial Law
15 Section 13-301(14)
16 Annotated Code of Maryland
17 (1990 Replacement Volume and 1999 Supplement)

18 BY adding to
19 Article - Commercial Law
20 Section 14-2901 through 14-2905, inclusive, to be under the new subtitle
21 "Subtitle 29. Electronic Commerce Disclosure Act"
22 Annotated Code of Maryland
23 (1990 Replacement Volume and 1999 Supplement)

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

1

Article - Commercial Law

2 13-301.

3 Unfair or deceptive trade practices include any:

4 (14) Violation of a provision of:

5 (i) This title;

6 (ii) An order of the Attorney General or agreement of a party
7 relating to unit pricing under Title 14, Subtitle 1 of this article;8 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt
9 Collection Act;10 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
11 Sales Act;

12 (v) Title 14, Subtitle 9 of this article, Kosher Products;

13 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

14 (vii) Section 14-1302 of this article;

15 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales
16 Act;

17 (ix) Section 22-415 of the Transportation Article;

18 (x) Title 14, Subtitle 20 of this article;

19 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
20 Enforcement Act;

21 (xii) Title 14, Subtitle 21 of this article;

22 (xiii) Section 18-107 of the Transportation Article;

23 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
24 Solicitations Act;25 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
26 Act;

27 (xvi) Title 10, Subtitle 6 of the Real Property Article;

28 (xvii) Title 10, Subtitle 8 of the Real Property Article;

29 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

30 [or]

1 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door
2 Solicitations Act; or

3 (XX) TITLE 14, SUBTITLE 29 OF THIS ARTICLE, THE ELECTRONIC
4 COMMERCE DISCLOSURE ACT; OR

5 SUBTITLE 29. ELECTRONIC COMMERCE DISCLOSURE ACT.
6 14-2901.

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) (1) "CONSUMER" MEANS AN ACTUAL OR PROSPECTIVE PURCHASER,
10 LESSEE, RENTER, OR RECIPIENT OF CONSUMER GOODS, REALTY, OR SERVICES.

11 (2) "CONSUMER" INCLUDES A CO-OBLIGOR OR SURETY FOR A
12 CONSUMER.

13 (C) "CONSUMER GOODS, REALTY, OR SERVICES" MEANS GOODS, REAL
14 PROPERTY, AND SERVICES WHICH ARE PRIMARILY FOR PERSONAL, HOUSEHOLD,
15 FAMILY, OR AGRICULTURAL PURPOSES.

16 (D) "DIVISION" MEANS THE DIVISION OF CONSUMER PROTECTION OF THE
17 OFFICE OF THE ATTORNEY GENERAL.

18 (E) "ELECTRONIC COMMERCE" MEANS THE SALE, LEASE, RENTAL, OR
19 TRANSFER OF CONSUMER GOODS, REALTY, OR SERVICES THROUGH THE INTERNET,
20 WORLD WIDE WEB, OR SIMILAR ELECTRONIC MEDIUM.

21 (F) (1) "MERCHANT" MEANS A PERSON WHO, DIRECTLY OR INDIRECTLY,
22 SELLS, LEASES, RENTS, OR OFFERS OR MAKES AVAILABLE TO CONSUMERS ANY
23 CONSUMER GOODS, REALTY, OR SERVICES.

24 (2) "MERCHANT" DOES NOT INCLUDE A PERSON WHO:

25 (I) ENGAGES IN FEWER THAN FIVE ELECTRONIC COMMERCE
26 TRANSACTIONS PER MONTH; AND

27 (II) RECEIVES LESS THAN \$500 GROSS PROFIT FROM ELECTRONIC
28 COMMERCE TRANSACTIONS PER MONTH.

29 (G) "WEB" MEANS THE WORLD WIDE WEB.

30 14-2902.

31 (A) IF A MERCHANT ENGAGES IN ELECTRONIC COMMERCE, THE MERCHANT
32 SHALL PROVIDE A TELEPHONE NUMBER AND A MAILING ADDRESS THAT A
33 CONSUMER MAY USE FOR BILLING INQUIRIES AND COMPLAINTS.

1 (B) THE TELEPHONE NUMBER AND MAILING ADDRESS REQUIRED UNDER
2 SUBSECTION (A) OF THIS SECTION SHALL:

3 (1) BE CONSPICUOUSLY DISPLAYED ON THE MERCHANT'S INTERNET OR
4 WEB SITE; AND

5 (2) BE INCLUDED IN ANY PRINTED BILL OF SALE, RECEIPT, OR OTHER
6 DOCUMENTATION RELATED TO AN ELECTRONIC COMMERCE TRANSACTION THAT
7 THE MERCHANT SENDS TO A CONSUMER.

8 14-2903.

9 (A) IF A MERCHANT ENGAGES IN ELECTRONIC COMMERCE, THE MERCHANT
10 SHALL DISCLOSE:

11 (1) THE POLICY OF THE MERCHANT ON RETURNING GOODS; AND

12 (2) WHERE THE MERCHANT ACCEPTS RETURN GOODS, WHO PAYS
13 SHIPPING.

14 (B) THE DISCLOSURES REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
15 SHALL BE CONSPICUOUSLY DISPLAYED ON THE MERCHANT'S INTERNET OR WEB
16 SITE.

17 14-2904.

18 AT THE DIRECTION OF THE ATTORNEY GENERAL, THE DIVISION, IN
19 ACCORDANCE WITH § 13-205 OF THIS ARTICLE, MAY ADOPT REGULATIONS IN ORDER
20 TO CARRY OUT THIS SUBTITLE.

21 14-2905.

22 A MERCHANT WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF
23 AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF
24 THIS ARTICLE.

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