

(PRE-FILED)

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By: **Delegate Stern**  
Requested: October 3, 2001  
Introduced and read first time: January 9, 2002  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Wireless Telecommunications Service - Definitions and Consumer**  
3 **Protection**

4 FOR the purpose of authorizing certain customers of certain wireless  
5 telecommunications services to cancel certain contracts under certain  
6 circumstances; applying certain provisions of the Public Utility Companies  
7 Article to wireless telecommunications services; defining certain terms; and  
8 generally relating to wireless telecommunications service.

9 BY adding to  
10 Article - Public Utility Companies  
11 Section 1-101(qq) and (rr) and 8-109  
12 Annotated Code of Maryland  
13 (1998 Volume and 2001 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Public Utility Companies  
16 Section 8-101  
17 Annotated Code of Maryland  
18 (1998 Volume and 2001 Supplement)

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

21 **Article - Public Utility Companies**

22 1-101.

23 (QQ) "WIRELESS TELECOMMUNICATIONS PROVIDER" MEANS A PERSON WHO,  
24 FOR A FEE, SUPPLIES FACILITY, CELL SITE, WIRELESS TELEPHONE SWITCHING  
25 OFFICE, OR OTHER EQUIPMENT FOR WIRELESS TELECOMMUNICATIONS SERVICE.

26 (RR) "WIRELESS TELECOMMUNICATIONS SERVICE" MEANS PUBLIC  
27 TELEPHONE SERVICE PROVIDED FOR TWO-WAY VOICE OR DATA COMMUNICATION

1 WHICH IS TRANSMITTED INDEPENDENT OF SWITCHED LOCAL EXCHANGE ACCESS  
2 TELEPHONE SERVICE AND WHICH MAY IN PART BE TRANSMITTED THROUGH CABLE  
3 OR WIRE AS PART OF A LARGER CABLE OR TELEPHONE SYSTEM.

4 8-101.

5 (a) This subtitle applies to:

6 (1) a telegraph company; [or]

7 (2) a telephone company that owned lines and provided local exchange or  
8 interexchange service in the State as of October 1, 1993, with the approval of the  
9 Commission; OR

10 (3) A WIRELESS TELECOMMUNICATIONS PROVIDER.

11 (b) Except as otherwise provided by law, the provisions of this subtitle are not  
12 subject to the jurisdiction of the Commission.

13 8-109.

14 (A) A PROVIDER OF WIRELESS TELECOMMUNICATIONS SERVICES SHALL  
15 ALLOW A NEW CUSTOMER TO RETURN A WIRELESS TELEPHONE AND TERMINATE  
16 THE CONTRACT WITH THE WIRELESS TELECOMMUNICATIONS SERVICE PROVIDER,  
17 BOTH WITHOUT PENALTY, WITHIN 30 DAYS AFTER EXECUTING THE CONTRACT IF  
18 THE CUSTOMER BELIEVES THAT EITHER THE SERVICE PLAN COVERAGE OR VOICE  
19 QUALITY DO NOT MEET THE STANDARDS AS ADVERTISED FOR THE SERVICE PLAN TO  
20 WHICH THE CONTRACT IS APPLICABLE.

21 (B) IF A CONSUMER TERMINATES A CONTRACT UNDER SUBSECTION (A) OF  
22 THIS SECTION, THE WIRELESS TELECOMMUNICATIONS SERVICE PROVIDER SHALL  
23 REFUND TO THE CONSUMER:

24 (1) DEPOSITS MADE TO THE WIRELESS TELECOMMUNICATIONS  
25 PROVIDER; AND

26 (2) THE PRORATED UNUSED PORTION OF ANY PREPAID SERVICE  
27 CHARGES MADE BY THE CUSTOMER ON THE CONTRACT OR ON BEHALF OF THE  
28 SERVICE PLAN.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2002.