
By: **Senator Frosh**

Introduced and read first time: January 31, 2002

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Wireless Telephone Services - Definitions, Exemptions, and Consumer**
3 **Protection**

4 FOR the purpose of authorizing certain customers of certain wireless telephone
5 services to cancel certain contracts and return certain equipment under certain
6 circumstances; exempting certain provisions of the Public Utility Companies
7 Article from wireless telephone service; requiring the Public Service
8 Commission to adopt certain regulations; providing that the Commission shall
9 have the authority to conduct certain investigations; providing that the
10 Commission shall have access to certain records of wireless telephone
11 companies; providing that the People's Counsel shall have certain duties and
12 powers in regard to wireless telephone companies; defining certain terms; and
13 generally relating to wireless telephone companies.

14 BY repealing and reenacting, with amendments,
15 Article - Public Utility Companies
16 Section 1-101(w) and (kk)
17 Annotated Code of Maryland
18 (1998 Volume and 2001 Supplement)

19 BY adding to
20 Article - Public Utility Companies
21 Section 8-501 through 8-506, inclusive, to be under the new subtitle "Subtitle 5.
22 Wireless Telephone Service"
23 Annotated Code of Maryland
24 (1998 Volume and 2001 Supplement)

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

1 **Article - Public Utility Companies**

2 1-101.

3 (w) (1) "Public service company" means a common carrier company, electric
4 company, gas company, sewage disposal company, telegraph company, telephone
5 company, water company, or any combination of public service companies.

6 (2) "PUBLIC SERVICE COMPANY" DOES NOT INCLUDE A WIRELESS
7 TELEPHONE COMPANY.

8 (kk) [(1)] "Telephone company" means a public service company that:

9 [(i)] (1) owns telephone lines to receive, transmit, or communicate
10 telephone or teletype communications; or

11 [(ii)] (2) leases, licenses, or sells telephone or teletype
12 communications.

13 [(2) "Telephone company" does not include a cellular telephone company.]

14 **SUBTITLE 5. WIRELESS TELEPHONE SERVICE.**

15 8-501.

16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (B) "WIRELESS TELEPHONE COMPANY" MEANS A TELEPHONE COMPANY THAT
19 PROVIDES WIRELESS TELEPHONE SERVICE TO END-USE CUSTOMERS BY USE OF
20 SATELLITE OR TERRESTRIAL RADIO SIGNALS.

21 (C) "WIRELESS TELEPHONE SERVICE" MEANS A PUBLIC TWO-WAY VOICE OR
22 DATA COMMUNICATIONS SERVICE THAT A WIRELESS TELEPHONE COMPANY
23 PROVIDES FOR A FEE USING THE PUBLIC SWITCHED TELEPHONE NETWORK TO AN
24 END-USER.

25 (D) "ENHANCED 911 SERVICE" HAS THE MEANING STATED IN ARTICLE 41, §
26 18-101(F)(6) OF THE CODE.

27 8-502.

28 SUBTITLES 1, 2, AND 3 OF THIS TITLE DO NOT APPLY TO A WIRELESS
29 TELEPHONE COMPANY.

30 8-503.

31 (A) THE COMMISSION SHALL ADOPT REGULATIONS TO PROTECT
32 RESIDENTIAL CUSTOMERS WHO PURCHASE WIRELESS TELEPHONE SERVICE.

33 (B) THE REGULATIONS SHALL:

1 (1) SPECIFY QUALITY OF SERVICE STANDARDS AND REQUIREMENTS
2 THAT THE COMMISSION CONSIDERS REASONABLE;

3 (2) REQUIRE WIRELESS TELEPHONE COMPANIES TO DISCLOSE IN A
4 FORMAT APPROVED BY THE COMMISSION THE PRICE AND SERVICE TERMS OF ALL
5 SERVICE PLANS AND OFFERS MADE TO RESIDENTIAL CUSTOMERS;

6 (3) ALLOW A RESIDENTIAL CUSTOMER TO CANCEL THE CUSTOMER'S
7 CONTRACTS WITH A WIRELESS TELEPHONE COMPANY AND TO RETURN THE
8 WIRELESS TELEPHONE WITHIN 30 DAYS AFTER EXECUTING THE CONTRACT IF THE
9 CUSTOMER BELIEVES THAT EITHER THE SERVICE PLAN COVERAGE OR THE VOICE
10 QUALITY DOES NOT MEET WITH THE ADVERTISED STANDARDS FOR THE SERVICE
11 PLAN TO WHICH THE CONTRACT APPLIES;

12 (4) ALLOW A WIRELESS TELEPHONE CUSTOMER TO RETAIN THE
13 TELEPHONE NUMBER ASSIGNED TO THE CUSTOMER IF THE CUSTOMER SWITCHES
14 TO A NEW WIRELESS TELEPHONE COMPANY; AND

15 (5) REQUIRE A WIRELESS TELEPHONE COMPANY TO OFFER ENHANCED
16 911 SERVICE COMPARABLE TO THAT OFFERED BY LANDLINE TELEPHONE
17 COMPANIES.

18 8-504.

19 THE COMMISSION MAY INVESTIGATE COMPLAINTS BY RESIDENTIAL
20 CUSTOMERS AGAINST WIRELESS TELEPHONE COMPANIES AND MAY INVESTIGATE
21 VIOLATIONS OF THE COMMISSION'S REGULATIONS UNDER THIS SUBTITLE.

22 8-505.

23 THE COMMISSION SHALL HAVE ACCESS TO THE BOOKS AND RECORDS OF
24 WIRELESS TELEPHONE COMPANIES AS NECESSARY TO CARRY OUT ITS
25 RESPONSIBILITIES UNDER THIS SUBTITLE.

26 8-506.

27 WITH RESPECT TO MATTERS INVOLVING WIRELESS TELEPHONE COMPANIES,
28 THE OFFICE OF PEOPLE'S COUNSEL SHALL HAVE THE DUTIES AND POWERS SET
29 FORTH IN §§ 2-204 AND 2-205 OF THIS ARTICLE.

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