

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 66
Finance

(Senator Ruben)

Telephone Solicitation - Use of Automated Answering Devices

This bill prohibits a person engaged in telephone solicitation from intentionally using an automated answering device to leave a voice message or an automated voice message related to the solicitation for the recipient of the solicitation or a member of the recipient's household.

Violation of the bill is a misdemeanor, punishable by a fine of \$1,000 for the first offense and up to \$5,000 for subsequent offenses.

The bill authorizes a person who has received a telephone solicitation in violation of the bill's provisions or who has received a solicitation in which the solicitor's telephone number has been blocked to bring an action in a court of competent jurisdiction. Allowable damages include: (1) the greater of \$1,000 or actual damages; and (2) reasonable attorneys' fees.

Fiscal Summary

State Effect: Assuming the number of civil cases brought under the bill is small, the bill's requirements could be handled with the existing budgeted resources of the Judiciary.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person may not use an automated dialing, push-button, or tone-activated address signaling system with a prerecorded message to: (1) solicit persons to purchase, lease, or rent goods or services; (2) offer a gift or prize; (3) conduct a poll; or (4) request survey information if the results will be used directly to solicit persons to purchase, lease, or rent goods or services. A sender of an automated dialing, push-button, or tone-activated address signaling call must disconnect the message machine from the recipient's telephone line within five seconds after the termination of the call by either the person calling or the person called. Violation is a misdemeanor, punishable by a fine of \$1,000 for the first offense and up to \$5,000 for subsequent offenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (District Court of Maryland), Public Service Commission, Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2002

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