

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 887

(Senator Stone, *et al.*)

Finance

Commercial Law - Misrepresentation of Geographic Location - Prohibition

This bill prohibits a person from misrepresenting the person's geographic location by listing a trade name, fictitious business name, or assumed business name in a local telephone directory or directory assistance database under specified circumstances. Violation of the bill is an unfair and deceptive trade practice under the Maryland Consumer Protection Act.

Fiscal Summary

State Effect: Assuming that the Consumer Protection Division receives fewer than 50 complaints per year stemming from this bill, any additional workload could be handled with existing resources.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill prohibits a person from misrepresenting the person's geographic location by listing a trade name, fictitious business name, or assumed business name in a local telephone directory if: (1) the name misrepresents the person's geographic location; (2) the listing fails to identify the person's address, including the state; (3) calls to the local telephone number are routinely transferred elsewhere; and (4) the business location is in a county that is not contiguous to a county in the calling area covered by the local telephone directory.

The bill prohibits a person from listing a trade name, fictitious business name, or assumed business name in a directory assistance database if: (1) the name misrepresents the person's geographic location; (2) calls to the local telephone number are routinely transferred

elsewhere; and (3) the business location of the supplier is located in a county not contiguous to a county in the local calling area. A telephone company or other directory assistance provider is not liable for publishing the listing.

Current Law: A person wishing to do business must file a certificate with the State Department of Assessments and Taxation that states the business principal or owner's true and correct names and addresses; the business's character and location; and the name, title, or designation under which the business is conducted. The certificate must be affirmed or acknowledged under oath. A person who willfully and knowingly executes and files a false certificate is guilty of a misdemeanor and on conviction is subject to a fine of up to \$1,000 and/or imprisonment of up to one year.

A practice that is prohibited by the Maryland Consumer Protection Act is a violation regardless of whether a consumer in fact has been misled, deceived, or damaged as a result of the practice. Under the Act, a person may not engage in any unfair or deceptive trade practice in: (1) the sale, lease, rental, loan, or bailment of any consumer goods, consumer realty, or consumer service; or (2) the offer for sale, lease, rental, loan, or bailment of any consumer goods, consumer realty, or consumer service.

Background: The Consumer Protection Division within the Office of the Attorney General is responsible for pursuing unfair and deceptive trade practice claims. The division may attempt conciliation, issue cease and desist orders, or seek action in court, including an injunction, to enforce the Maryland Consumer Protection Act.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

Fiscal Note History: First Reader - March 15, 2002
lc/jr

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