

Department of Legislative Services  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

Senate Bill 93  
Finance

(Senator Ruben, *et al.*)

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**Telephone Solicitation - Use of Automated Answering Devices**

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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. The bill exempts telephone solicitations that are made by or on behalf of a nonprofit organization or a political party.

Violation of the bill is a misdemeanor, punishable by a fine of up to \$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.

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**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.

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## 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 up to \$1,000 for the first offense and up to \$5,000 for subsequent offenses.

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## Additional Information

**Prior Introductions:** A similar bill, SB 66, was introduced in the 2002 session and received an unfavorable report from the Senate Finance Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - January 24, 2003  
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