
By: **Delegates Jones, Burns, and Nathan-Pulliam**

Introduced and read first time: February 6, 2004

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection - Telephone Directory Listings - Misrepresentation of**
3 **Geographical Location of Business**

4 FOR the purpose of prohibiting a person from misrepresenting the geographical
5 location of a business in a listing in a telephone directory; providing that a
6 person that lists in a telephone directory a business name that indicates that the
7 business is located in a geographical area misrepresents the geographical
8 location of the business for purposes of this Act under certain circumstances;
9 authorizing a person to list in a telephone directory a business name that
10 indicates that the business is located in a geographical area that is different
11 from the geographical area in which the business is located if the listing
12 contains a certain conspicuous notice; providing that a violation of this Act is an
13 unfair or deceptive trade practice under the Maryland Consumer Protection Act
14 and is subject to certain enforcement and penalty provisions; providing for the
15 application of this Act; defining a certain term; and generally relating to the
16 misrepresentation of the geographical location of a business in a telephone
17 directory listing.

18 BY repealing and reenacting, with amendments,
19 Article - Commercial Law
20 Section 13-301(14)
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2003 Supplement)

23 BY adding to
24 Article - Commercial Law
25 Section 14-1319
26 Annotated Code of Maryland
27 (2000 Replacement Volume and 2003 Supplement)

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

1

Article - Commercial Law

2 13-301.

3 Unfair or deceptive trade practices include any:

4 (14) Violation of a provision of:

5 (i) This title;

6 (ii) An order of the Attorney General or agreement of a party
7 relating to unit pricing under Title 14, Subtitle 1 of this article;8 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt
9 Collection Act;10 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
11 Sales Act;

12 (v) Title 14, Subtitle 9 of this article, Kosher Products;

13 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

14 (vii) Section 14-1302 of this article;

15 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales
16 Act;

17 (ix) Section 22-415 of the Transportation Article;

18 (x) Title 14, Subtitle 20 of this article;

19 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
20 Enforcement Act;

21 (xii) Title 14, Subtitle 21 of this article;

22 (xiii) Section 18-107 of the Transportation Article;

23 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
24 Solicitations Act;25 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
26 Act;

27 (xvi) Title 10, Subtitle 6 of the Real Property Article;

28 (xvii) Title 10, Subtitle 8 of the Real Property Article;

29 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

1 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door
2 Solicitations Act;

3 (xx) Title 14, Subtitle 31 of this article, the Maryland Household
4 Goods Movers Act; or

5 (XXI) SECTION 14-1319 OF THIS ARTICLE; OR
6 14-1319.

7 (A) IN THIS SECTION, "TELEPHONE DIRECTORY" INCLUDES A DIRECTORY
8 ASSISTANCE DATABASE.

9 (B) (1) THIS SECTION APPLIES TO A BUSINESS THAT DERIVES AT LEAST 50%
10 OF ITS GROSS INCOME FROM SELLING OR ARRANGING FOR THE SALE OF FLOWERS
11 OR FLORAL ARRANGEMENTS.

12 (2) THIS SECTION DOES NOT APPLY TO:

13 (I) A PUBLISHER OF A TELEPHONE DIRECTORY; OR

14 (II) A PROVIDER OF A DIRECTORY ASSISTANCE SERVICE THAT
15 PUBLISHES OR PROVIDES INFORMATION ABOUT OTHER BUSINESSES.

16 (C) A PERSON MAY NOT MISREPRESENT THE GEOGRAPHICAL LOCATION OF A
17 BUSINESS IN A LISTING IN A TELEPHONE DIRECTORY.

18 (D) SUBJECT TO SUBSECTION (E) OF THIS SECTION, A PERSON THAT LISTS IN
19 A TELEPHONE DIRECTORY A BUSINESS NAME THAT INDICATES THAT THE BUSINESS
20 IS LOCATED IN A GEOGRAPHICAL AREA MISREPRESENTS THE GEOGRAPHICAL
21 LOCATION OF THE BUSINESS FOR PURPOSES OF SUBSECTION (C) OF THIS SECTION
22 IF:

23 (1) THE BUSINESS IS NOT LOCATED IN THE INDICATED GEOGRAPHICAL
24 AREA;

25 (2) THE LISTING DOES NOT IDENTIFY THE MUNICIPALITY, COUNTY, AND
26 STATE IN WHICH THE BUSINESS IS LOCATED; AND

27 (3) A TELEPHONE CALL TO THE LOCAL TELEPHONE NUMBER LISTED IN
28 THE TELEPHONE DIRECTORY ROUTINELY IS FORWARDED OR TRANSFERRED TO A
29 LOCATION THAT IS OUTSIDE THE CALLING AREA COVERED BY THE TELEPHONE
30 DIRECTORY IN WHICH THE NUMBER IS LISTED.

31 (E) A PERSON MAY LIST IN A TELEPHONE DIRECTORY A BUSINESS NAME THAT
32 INDICATES THAT THE BUSINESS IS LOCATED IN A GEOGRAPHICAL AREA THAT IS
33 DIFFERENT FROM THE GEOGRAPHICAL AREA IN WHICH THE BUSINESS IS LOCATED
34 IF THE LISTING CONTAINS A CONSPICUOUS NOTICE THAT STATES THE
35 MUNICIPALITY AND STATE IN WHICH THE BUSINESS IS LOCATED.

36 (F) A VIOLATION OF THIS SECTION IS:

1 (1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER TITLE 13 OF
2 THIS ARTICLE; AND

3 (2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS
4 CONTAINED IN TITLE 13 OF THIS ARTICLE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2004.