
By: **Senator Forehand**

Introduced and read first time: February 4, 2005

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2005

CHAPTER _____

1 AN ACT concerning

2 **Consumer Protection - Telephone Directories - Inclusion of Cellular**
3 **Subscribers**

4 FOR the purpose of prohibiting a ~~person~~ cellular mobile telephone service provider
5 from including the cellular number of a cellular subscriber in a telephone
6 directory without consent of the cellular subscriber; ~~establishing certain~~
7 ~~requirements for obtaining consent of a cellular subscriber~~; providing for
8 revocation of consent; making a violation of this Act an unfair or deceptive trade
9 practice under the Maryland Consumer Protection Act; defining certain terms;
10 and generally relating to telephone directories and cellular subscribers.

11 BY repealing and reenacting, without amendments,
12 Article - Commercial Law
13 Section 13-301(14)(i)
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2004 Supplement)

16 BY adding to
17 Article - Commercial Law
18 Section 13-319
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2004 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 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 13-319.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.9 (2) "CELLULAR NUMBER" MEANS THE TELEPHONE NUMBER OF A
10 CELLULAR SUBSCRIBER IN THE STATE THROUGH CELLULAR TELEPHONE OR OTHER
11 WIRELESS TELECOMMUNICATION SERVICE.

12 (3) "CELLULAR SUBSCRIBER" MEANS:

13 (I) AN INDIVIDUAL WHO SUBSCRIBES TO CELLULAR TELEPHONE
14 OR OTHER WIRELESS TELECOMMUNICATION SERVICE IN THE STATE; OR

15 (II) ANY INDIVIDUAL WHO RESIDES WITH A SUBSCRIBER.

16 (4) "SERVICE PROVIDER" MEANS A CELLULAR TELEPHONE OR OTHER
17 WIRELESS TELECOMMUNICATIONS SERVICE PROVIDER.18 (4) (5) (I) "TELEPHONE DIRECTORY" MEANS A LISTING OF NAMES,
19 TELEPHONE NUMBERS, ~~AND OR~~ ADDRESSES PRODUCED FOR DISTRIBUTION TO
20 ~~HOUSEHOLDS~~ INDIVIDUALS, HOUSEHOLDS, AND BUSINESSES.

21 (II) "TELEPHONE DIRECTORY" INCLUDES:

22 1. AN INTERNET-BASED SERVICE THAT PROVIDES
23 TELEPHONE LISTINGS ON REQUEST OF A USER; AND24 2. A LISTING OF NAMES, TELEPHONE NUMBERS, OR
25 ADDRESSES AVAILABLE ON A COMPACT DISC.26 (B) ~~EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON A SERVICE~~
27 ~~PROVIDER MAY NOT INCLUDE, OR CAUSE TO BE INCLUDED, IN A TELEPHONE~~
28 ~~DIRECTORY A LISTING OF A CELLULAR NUMBER OF A CELLULAR SUBSCRIBER~~
29 ~~WITHOUT THE EXPRESS CONSENT OF THE CELLULAR SUBSCRIBER.~~30 (C) ~~A PERSON MAY OBTAIN THE EXPRESS CONSENT OF A CELLULAR~~
31 ~~SUBSCRIBER TO THE INCLUSION OF THE CELLULAR SUBSCRIBER'S CELLULAR~~
32 ~~NUMBER IN A TELEPHONE DIRECTORY:~~33 (4) ~~IN WRITING; OR~~

1 (2) ORALLY, ONLY IF THE PERSON:

2 (1) PROMPTLY SENDS CONFIRMATION OF CONSENT TO THE
3 ~~CELLULAR SUBSCRIBER BY MAIL OR BY ELECTRONIC MAIL, AT THE ELECTION OF~~
4 ~~THE CELLULAR SUBSCRIBER, AT THE ADDRESS PROVIDED BY THE CELLULAR~~
5 ~~SUBSCRIBER; AND~~

6 (2) PROVIDES TO THE CELLULAR SUBSCRIBER AN EFFECTIVE
7 ~~MEANS OF REVOKING CONSENT.~~

8 (3) (C) A ~~PERSON WHO~~ SERVICE PROVIDER THAT OBTAINS THE CONSENT OF
9 A CELLULAR SUBSCRIBER THAT IS SUBSEQUENTLY REVOKED;

10 (1) SHALL PROMPTLY REMOVE THE CELLULAR NUMBER FROM:

11 (I) THE NEXT PRINTED EDITION OF THE TELEPHONE DIRECTORY;

12 (II) THE NEXT COMPACT DISC EDITION OF THE TELEPHONE
13 DIRECTORY; AND

14 (III) AN ELECTRONIC FORM OF THE TELEPHONE DIRECTORY; AND

15 (2) MAY NOT BE HELD LIABLE UNDER THIS SECTION FOR INCLUSION OF
16 THE CELLULAR NUMBER IN A TELEPHONE DIRECTORY THAT IS FINALIZED FOR
17 PUBLICATION BEFORE THE ~~PERSON~~ SERVICE PROVIDER RECEIVES THE
18 REVOCATION.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2005.