

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 708
Finance

(Senator Forehand)

Economic Matters

Consumer Protection - Telephone Directories - Inclusion of Cellular Subscribers

This bill prohibits a cellular telephone or other wireless telecommunications service provider from including or causing to be included in a telephone directory a listing of a cellular number of a cellular subscriber without express consent. A service provider that obtains consent of a subscriber that is subsequently revoked: (1) must promptly remove the cellular number from an electronic directory and the next edition of the directory; and (2) may not be held liable under the bill for including the number in a telephone directory that is finalized for publication before receiving the revocation.

Violation of the bill is an unfair or 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

Current Law: Listings in a telephone directory are not regulated by the State.

The Consumer Protection Division within the Office of the Attorney General is responsible for pursuing unfair and deceptive trade practice claims under the Maryland Consumer Protection Act. Upon receiving a complaint, the division must determine whether there are “reasonable grounds” to believe that a violation of the Act has occurred. Generally, if the division does find reasonable grounds that a violation has occurred, the division must seek to conciliate the complaint. The division may also issue cease and desist orders, or seek action in court, including an injunction or civil damages, to enforce the Act. Violators of the Act are subject to: (1) civil penalties of \$1,000 for the first violation and \$5,000 for subsequent violations; and (2) criminal sanction as a misdemeanor, with a fine of up to \$1,000 and/or up to one year’s imprisonment.

Additional Information

Prior Introductions: None.

Cross File: HB 1260 (Delegate Quinter) – Economic Matters.

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

Fiscal Note History: First Reader - March 10, 2005
mp/jr Revised - Senate Third Reader - April 4, 2005

Analysis by: T. Ryan Wilson

Direct Inquiries to:
(410) 946-5510
(301) 970-5510