By: Delegates Howard, Bobo, Cardin, Conroy, Kullen, Mandel, McKee, Montgomery, Morhaim, Pendergrass, Stern, and V. Turner Introduced and read first time: February 6, 2006

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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4 5 6 7 8 9	FOR the purpose of authorizing a person that receives an electronic or telephonic transmission made to the person's facsimile device in violation of certain provisions of law to bring a certain action against a person that commits the violation; authorizing the recovery of reasonable attorney's fees and damages in a certain amount; and generally relating to unsolicited electronic or telephonic transmissions to a facsimile device.			
10 11 12 13 14	Section 14-1313Annotated Code of Maryland			
15 16	15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 16 MARYLAND, That the Laws of Maryland read as follows:			
17	7 Article - Commercial Law			
18	14-1313.			
19	(a) (1) In this section the following words have the meanings indicated.			
	20 (2) "Facsimile device" means a machine that receives and copies 21 reproductions or facsimiles of documents or photographs that have been transmitted 22 electronically or telephonically over telecommunications lines.			
	3 (3) (i) "Commercial solicitation" means the unsolicited electronic or 4 telephonic transmission in the State to a facsimile device to encourage a person to 5 purchase goods, realty, or services.			
26	(ii) "Commercial solicitation" does not include:			

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11.An electronic or telephonic transmission made in the2 course of prior negotiations; or

3 2. An electronic or telephonic transmission made in the
4 course of a preexisting business relationship with the person receiving the
5 transmission.

6 (b) A person may not make intentionally an electronic or telephonic 7 transmission to a facsimile device for the purpose of commercial solicitation.

8 (c) (1) (I) The Attorney General may initiate a civil action against any 9 person who violates this section to recover for the State a penalty not to exceed \$1,000 10 for each violation; AND

(II) A PERSON THAT RECEIVES AN ELECTRONIC OR TELEPHONIC
 TRANSMISSION MADE TO THE PERSON'S FACSIMILE DEVICE IN VIOLATION OF THIS
 SECTION MAY BRING AN ACTION AGAINST A PERSON THAT COMMITS THE VIOLATION
 TO RECOVER:

15	1.	REASONABLE ATTORNEY'S FEES; AND
16	2.	DAMAGES IN THE AMOUNT OF THE GREATER OF:
17	A.	\$500 FOR EACH VIOLATION; OR
18 19 VIOLATION.	В.	ACTUAL DAMAGES SUSTAINED AS A RESULT OF THE

20 (2) For the purposes of this section, each prohibited commercial 21 solicitation is a separate violation.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

23 October 1, 2006.

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