
By: **Delegates Quinter, Bobo, and Sophocleus**
Introduced and read first time: February 10, 2006
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

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

10 BY repealing and reenacting, without amendments,
11 Article - Commercial Law
12 Section 13-301(14)(i)
13 Annotated Code of Maryland
14 (2005 Replacement Volume)

15 BY adding to
16 Article - Commercial Law
17 Section 13-319
18 Annotated Code of Maryland
19 (2005 Replacement Volume)

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

22 **Article - Commercial Law**

23 13-301.

24 Unfair or deceptive trade practices include any:

25 (14) Violation of a provision of:

26 (i) This title;

1 13-319.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "CELLULAR NUMBER" MEANS THE TELEPHONE NUMBER OF A
5 CELLULAR SUBSCRIBER IN THE STATE THROUGH CELLULAR TELEPHONE OR OTHER
6 WIRELESS TELECOMMUNICATION SERVICE.

7 (3) "CELLULAR SUBSCRIBER" MEANS:

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

10 (II) ANY OTHER INDIVIDUAL WHO RESIDES WITH A SUBSCRIBER.

11 (4) "SERVICE PROVIDER" MEANS A CELLULAR TELEPHONE OR OTHER
12 WIRELESS TELECOMMUNICATION SERVICE PROVIDER.

13 (5) (I) "TELEPHONE DIRECTORY" MEANS A LISTING OF NAMES,
14 TELEPHONE NUMBERS, OR ADDRESSES PRODUCED FOR DISTRIBUTION TO
15 INDIVIDUALS, HOUSEHOLDS, AND BUSINESSES.

16 (II) "TELEPHONE DIRECTORY" INCLUDES:

17 1. AN INTERNET-BASED SERVICE THAT PROVIDES
18 TELEPHONE LISTINGS ON REQUEST OF A USER; AND

19 2. A LISTING OF NAMES, TELEPHONE NUMBERS, OR
20 ADDRESSES AVAILABLE ON A COMPACT DISC OR SIMILAR MEDIUM.

21 (B) A SERVICE PROVIDER MAY NOT INCLUDE, OR CAUSE TO BE INCLUDED, IN
22 A TELEPHONE DIRECTORY A LISTING OF A CELLULAR NUMBER OF A CELLULAR
23 SUBSCRIBER WITHOUT THE EXPRESS CONSENT OF THE CELLULAR SUBSCRIBER.

24 (C) A SERVICE PROVIDER THAT OBTAINS THE CONSENT OF A CELLULAR
25 SUBSCRIBER THAT IS SUBSEQUENTLY REVOKED:

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

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

28 (II) THE NEXT COMPACT DISC EDITION OF THE TELEPHONE
29 DIRECTORY; AND

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

31 (2) MAY NOT BE HELD LIABLE UNDER THIS SECTION FOR INCLUSION OF
32 THE CELLULAR NUMBER IN A TELEPHONE DIRECTORY THAT IS FINALIZED FOR
33 PUBLICATION BEFORE THE SERVICE PROVIDER RECEIVES THE REVOCATION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.