
By: **Senators Forehand, Britt, Brochin, DeGrange, Frosh, Garagiola, Green,
Grosfeld, Jones, Kramer, Lawlah, Pinsky, Ruben, and Stone**
 Introduced and read first time: March 1, 2006
 Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of prohibiting a person from including, or causing to be included, in
 5 a telephone directory the cellular number of a cellular subscriber without the
 6 express consent of the cellular subscriber; requiring a person that obtains the
 7 consent of a cellular subscriber to take certain actions if the consent is revoked;
 8 providing that a person may not be held liable under certain provisions of this
 9 Act for inclusion of a cellular number in a telephone directory under certain
 10 circumstances; defining certain terms; and generally relating to telephone
 11 directories and cellular subscribers.

12 BY repealing and reenacting, without amendments,
 13 Article - Commercial Law
 14 Section 13-301(14)(i)
 15 Annotated Code of Maryland
 16 (2005 Replacement Volume)

17 BY adding to
 18 Article - Commercial Law
 19 Section 13-319
 20 Annotated Code of Maryland
 21 (2005 Replacement Volume)

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

24 **Article - Commercial Law**

25 13-301.

26 Unfair or deceptive trade practices include any:

27 (14) Violation of a provision of:

1 (i) This title;

2 13-319.

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

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

8 (3) "CELLULAR SUBSCRIBER" MEANS:

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

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

12 (4) (I) "TELEPHONE DIRECTORY" MEANS A LISTING OF NAMES,
13 TELEPHONE NUMBERS, OR ADDRESSES PRODUCED FOR SALE OR DISTRIBUTION.

14 (II) "TELEPHONE DIRECTORY" INCLUDES:

15 1. AN INTERNET-BASED SERVICE THAT PROVIDES
16 TELEPHONE LISTINGS ON REQUEST OF A USER;

17 2. A LISTING OF NAMES, TELEPHONE NUMBERS, OR
18 ADDRESSES AVAILABLE ON A COMPACT DISC; AND

19 3. A LISTING OF NAMES, TELEPHONE NUMBERS, OR
20 ADDRESSES AVAILABLE BY ANY OTHER ELECTRONIC MEANS.

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

24 (C) A PERSON THAT OBTAINS THE CONSENT OF A CELLULAR SUBSCRIBER
25 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) ANY 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 PERSON RECEIVES THE REVOCATION.

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