

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 999

(Senator Forehand, *et al.*)

Finance

Economic Matters

Consumer Protection - Telephone Directories - Inclusion of Cellular Subscribers

This bill prohibits a person, under the Maryland Consumer Protection Act, 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 person that obtains consent of a subscriber that is subsequently revoked must promptly remove the cellular number from: (1) the next printed or compact disk edition of the directory; and (2) any electronic form of the directory. A service provider 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.

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: Similar bills, SB 708 and HB 1260, were introduced during the 2005 session. SB 708 was amended and passed the Senate, but it received an unfavorable report from the Economic Matters Committee in the House. HB 1260 received an unfavorable report from the House Economic Matters Committee.

Cross File: None.

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

Fiscal Note History: First Reader - March 8, 2006
ncs/jr

Analysis by: T. Ryan Wilson

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