

HOUSE BILL 589

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71r1378

By: **Delegates Jennings, Aumann, Bartlett, Boteler, Frank, and Morhaim**
Introduced and read first time: February 8, 2007
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Prerecorded Phone Messages – Sponsor Identification**

3 FOR the purpose of prohibiting a person from failing to ensure that certain messages
4 relating to a candidate, campaign, or political committee meet certain
5 requirements; prohibiting a person from sending a certain message that does
6 not provide a certain telephone number or address; providing for certain
7 penalties for willful and knowing violation of the requirements of this Act;
8 defining certain terms; and generally relating to identification requirements for
9 prerecorded or artificial phone messages using autodialer telephone equipment.

10 BY adding to

11 Article – Election Law
12 Section 16–904
13 Annotated Code of Maryland
14 (2003 Volume and 2006 Supplement)

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

17 **Article – Election Law**

18 **16–904.**

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
20 MEANINGS INDICATED.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) **“ARTIFICIAL TELEPHONE MESSAGE” MEANS A TELEPHONE**
2 **MESSAGE CREATED USING A COMPUTER GENERATED VOICE.**

3 (3) **“AUTODIALER” MEANS EQUIPMENT THAT HAS THE CAPACITY**
4 **TO:**

5 (I) **STORE OR PRODUCE TELEPHONE NUMBERS TO BE**
6 **CALLED USING A RANDOM OR SEQUENTIAL NUMBER GENERATOR; AND**

7 (II) **DIAL TELEPHONE NUMBERS.**

8 (4) **“PRERECORDED TELEPHONE MESSAGE” MEANS A**
9 **TELEPHONE MESSAGE THAT USES A HUMAN VOICE RECORDED IN ADVANCE OF**
10 **USE.**

11 (B) **A PERSON MAY NOT FAIL TO ENSURE THAT AN ARTIFICIAL**
12 **TELEPHONE MESSAGE OR A PRERECORDED TELEPHONE MESSAGE RELATING TO**
13 **A CANDIDATE, A PROSPECTIVE CANDIDATE, OR THE APPROVAL OR REJECTION**
14 **OF A QUESTION:**

15 (1) **STATES CLEARLY THE IDENTITY OF THE CANDIDATE,**
16 **CAMPAIGN, POLITICAL COMMITTEE, OR OTHER PERSON INITIATING THE CALL;**
17 **AND**

18 (2) **DURING OR AFTER THE MESSAGE, STATES CLEARLY THE**
19 **TELEPHONE NUMBER OR ADDRESS OF THE CANDIDATE, CAMPAIGN, OR OTHER**
20 **ENTITY INITIATING THE CALL.**

21 (C) **THE TELEPHONE NUMBER STATED UNDER SUBSECTION (B)(2) OF**
22 **THIS SECTION MAY NOT BE THE TELEPHONE NUMBER OF THE AUTODIALER**
23 **THAT PLACED THE CALL.**

24 (D) **A PERSON WHO WILLFULLY AND KNOWINGLY VIOLATES THIS**
25 **SECTION SHALL:**

26 (1) **PAY A CIVIL PENALTY NOT EXCEEDING TWICE THE AMOUNT**
27 **ASSESSED FOR VIOLATION OF FEDERAL COMMUNICATIONS COMMISSION**
28 **REGULATIONS UNDER 40 C.F.R. PART 64.1200; AND**

1 **(2) HAVE THE MATTER ADJUDICATED IN ACCORDANCE WITH §**
2 **13-604(B) THROUGH (G) OF THIS ARTICLE.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2007.