

HOUSE BILL 589

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71r1378

By: **Delegates Jennings, Aumann, Bartlett, Boteler, Frank, and ~~Morhaim~~ Morhaim, Hixson, Doory, Barve, Cardin, Elmore, George, Gilchrist, Howard, Ivey, Kaiser, N. King, Krebs, McKee, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker**

Introduced and read first time: February 8, 2007

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2007

CHAPTER _____

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~~ contain certain information;
7 providing for certain penalties for willful and knowing violation of the
8 requirements of this Act; defining certain terms; and generally relating to
9 identification requirements for prerecorded or artificial phone messages ~~using~~
10 ~~autodialer telephone equipment.~~

11 BY adding to

12 Article – Election Law

13 Section 16-904

14 Annotated Code of Maryland

15 (2003 Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article - Election Law**

4 **16-904.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) "ARTIFICIAL TELEPHONE MESSAGE" MEANS A TELEPHONE
8 MESSAGE CREATED USING A COMPUTER GENERATED VOICE.

9 ~~(3) "AUTODIALER" MEANS EQUIPMENT THAT HAS THE CAPACITY~~
10 ~~TO:~~

11 ~~(I) STORE OR PRODUCE TELEPHONE NUMBERS TO BE~~
12 ~~CALLED USING A RANDOM OR SEQUENTIAL NUMBER GENERATOR; AND~~

13 ~~(H) DIAL TELEPHONE NUMBERS.~~

14 ~~(4) (3) "PRERECORDED TELEPHONE MESSAGE" MEANS A~~
15 ~~TELEPHONE MESSAGE THAT USES A HUMAN VOICE RECORDED IN ADVANCE OF~~
16 ~~USE.~~

17 (B) A PERSON MAY NOT FAIL TO ENSURE THAT AN ARTIFICIAL
18 TELEPHONE MESSAGE OR A PRERECORDED TELEPHONE MESSAGE RELATING TO
19 A CANDIDATE, A PROSPECTIVE CANDIDATE, OR THE APPROVAL OR REJECTION
20 OF A QUESTION:

21 ~~(1) STATES CLEARLY THE IDENTITY OF THE CANDIDATE,~~
22 ~~CAMPAIGN, POLITICAL COMMITTEE, OR OTHER PERSON INITIATING THE CALL;~~
23 ~~AND~~

24 ~~(2) DURING OR AFTER THE MESSAGE, STATES CLEARLY THE~~
25 ~~TELEPHONE NUMBER OR ADDRESS OF THE CANDIDATE, CAMPAIGN, OR OTHER~~
26 ~~ENTITY INITIATING THE CALL.~~

27 ~~(C) THE TELEPHONE NUMBER STATED UNDER SUBSECTION (B)(2) OF~~
28 ~~THIS SECTION MAY NOT BE THE TELEPHONE NUMBER OF THE AUTODIALER~~

1 ~~THAT PLACED THE CALL~~ INFORMATION CONTAINED IN AN AUTHORITY LINE AS
2 REQUIRED UNDER § 13-401.

3 (D) A PERSON WHO WILLFULLY AND KNOWINGLY VIOLATES THIS
4 SECTION SHALL:

5 ~~(1) PAY A CIVIL PENALTY NOT EXCEEDING TWICE THE AMOUNT~~
6 ~~ASSESSED FOR VIOLATION OF FEDERAL COMMUNICATIONS COMMISSION~~
7 ~~REGULATIONS UNDER 40 C.F.R. PART 64.1200; AND~~

8 ~~(2) HAVE THE MATTER ADJUDICATED IN ACCORDANCE WITH §~~
9 ~~13-604(B) THROUGH (C) OF THIS ARTICLE~~ BE SUBJECT TO THE CIVIL PENALTY
10 PROVISIONS OF THE MARYLAND TELEPHONE CONSUMER PROTECTION ACT.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 ~~October~~ June 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.