

# SENATE BILL 598

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By: **Senators Kittleman, Dyson, Haines, Kasemeyer, and Stoltzfus**

Introduced and read first time: February 2, 2007

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Political Telephone Calls – Prohibition**

3 FOR the purpose of prohibiting a person from placing or causing to have placed an  
4 automated telephone call to a residential telephone number in the State that is  
5 registered on a certain do-not-call registry with the purpose of promoting a  
6 political candidate or advertising, campaigning, or soliciting donations for or  
7 against a political candidate, or relating to a political issue; altering a certain  
8 penalty provision; and generally relating to prohibitions on political telephone  
9 calls.

10 BY repealing and reenacting, with amendments,  
11 Article – Commercial Law  
12 Section 14–3201 and 14–3202  
13 Annotated Code of Maryland  
14 (2005 Replacement 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 – Commercial Law**

18 14–3201.

19 (A) A person may not violate:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (1) The Telemarketing and Consumer Fraud and Abuse Prevention  
2 Act, 15 U.S.C. §§ 6101 through 6108, as implemented by the Federal Trade  
3 Commission in the Telemarketing Sales Rule (16 C.F.R. Part 310); or

4           (2) The Telephone Consumer Protection Act, 47 U.S.C. § 227, as  
5 implemented by the Federal Communications Commission in the Restrictions on  
6 Telemarketing and Telephone Solicitations Rule (47 C.F.R. Part 64, Subpart L).

7           **(B) A PERSON MAY NOT PLACE OR CAUSED TO HAVE PLACED AN**  
8 **AUTOMATED TELEPHONE CALL TO A RESIDENTIAL TELEPHONE NUMBER IN THE**  
9 **STATE THAT IS REGISTERED ON THE NATIONAL DO-NOT-CALL REGISTRY, AS**  
10 **IMPLEMENTED BY THE FEDERAL COMMUNICATIONS COMMISSION IN THE**  
11 **RESTRICTIONS ON TELEMARKETING AND TELEPHONE SOLICITATIONS RULE**  
12 **(47 C.F.R. PART 64, SUBPART L):**

13           **(1) WITH THE PURPOSE OF:**

14                   **(I) PROMOTING A POLITICAL CANDIDATE; OR**

15                   **(II) ADVERTISING, CAMPAIGNING, OR SOLICITING**  
16 **DONATIONS FOR OR AGAINST A POLITICAL CANDIDATE; OR**

17           **(2) RELATING TO A POLITICAL ISSUE.**

18 14–3202.

19           (a) A violation of this subtitle is an unfair or deceptive trade practice within  
20 the meaning of Title 13 of this article and is subject to the enforcement and penalty  
21 provisions contained in Title 13 of this article.

22           (b) In addition to the remedies provided in § 13–408 of this article, an  
23 individual who is affected by a violation of this subtitle may bring an action against a  
24 person that violates this subtitle to recover:

25                   (1) Reasonable attorney’s fees; and

26                   (2) Damages in the amount of the greater of:

27                           (i) \$500 for each violation; or

28                           (ii) Actual damages sustained as a result of the violation.

1           (c) For purposes of this section, each prohibited telephone solicitation **OR**  
2 **TELEPHONE CALL** and each prohibited practice during a telephone solicitation **OR**  
3 **TELEPHONE CALL** is a separate violation.

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