

HOUSE BILL 356

I3, L2

8lr0492

By: **Delegates Shewell, Elliott, Krebs, Sossi, and Stocksdale**

Introduced and read first time: January 25, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County - Unsolicited Print Publications - Prohibition on Delivery**

3 FOR the purpose of prohibiting a publisher from delivering, or causing to be delivered,
4 certain unsolicited print publications to certain locations in Carroll County
5 unless the publications contain a certain notice; prohibiting a publisher from
6 delivering, or causing to be delivered, certain unsolicited print publications to
7 certain locations in Carroll County after a certain time period from the date the
8 publisher receives a certain notice; authorizing a resident who receives certain
9 unsolicited print publications in violation of this Act to bring an action against a
10 publisher for certain preventive relief, attorney's fees, and damages; and
11 generally relating to the delivery of unsolicited print publications in Carroll
12 County.

13 BY adding to

14 Article 25 – County Commissioners
15 Section 236G
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2007 Supplement)

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

20 **Article 25 – County Commissioners**

21 **236G.**

22 (A) **THIS SECTION APPLIES ONLY IN CARROLL COUNTY.**

23 (B) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
24 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) (I) **“DELIVER” MEANS TO THROW, PLACE, OR DEPOSIT.**

2 (II) **“DELIVER” DOES NOT INCLUDE DELIVERY BY MEANS OF**
3 **THE UNITED STATES POSTAL SERVICE OR A PRIVATE MAIL DELIVERY SERVICE.**

4 (3) **“PRINT PUBLICATION” MEANS A CIRCULAR, NEWSPAPER,**
5 **MAGAZINE, PAPER, OR BOOKLET THAT IS PUBLISHED AT REGULAR INTERVALS**
6 **AND DISTRIBUTED TO THE PUBLIC.**

7 (4) **“PUBLISHER” MEANS THE PERSON RESPONSIBLE FOR THE**
8 **PUBLICATION OF A PRINT PUBLICATION.**

9 (5) (I) **“UNSOLICITED PRINT PUBLICATION” MEANS A PRINT**
10 **PUBLICATION DELIVERED TO A RESIDENTIAL ADDRESS IN THE COUNTY**
11 **WITHOUT THE PRIOR CONSENT OF THE RESIDENT.**

12 (II) **“UNSOLICITED PRINT PUBLICATION” DOES NOT**
13 **INCLUDE A SAMPLE COPY OF A PRINT PUBLICATION THAT IS REGULARLY SOLD**
14 **BY THE COPY OR BY SUBSCRIPTION WHERE NO MORE THAN TWO SAMPLE**
15 **COPIES ARE DELIVERED TO A SINGLE RESIDENTIAL ADDRESS IN THE COUNTY**
16 **WITHIN ANY 30-DAY PERIOD.**

17 (C) **A PUBLISHER MAY NOT DELIVER, OR CAUSE TO BE DELIVERED, AN**
18 **UNSOLICITED PRINT PUBLICATION TO A RESIDENTIAL ADDRESS IN THE COUNTY**
19 **UNLESS THE UNSOLICITED PRINT PUBLICATION CONTAINS, ON THE FIRST OR**
20 **SECOND PAGE, A CONSPICUOUS NOTICE, PRINTED IN AT LEAST 12 POINT**
21 **BOLDFACE TYPE, THAT INCLUDES:**

22 (1) **THE STATEMENT “IF YOU NO LONGER WISH TO RECEIVE THIS**
23 **PUBLICATION, PLEASE CALL THE FOLLOWING TOLL-FREE NUMBER:”; AND**

24 (2) **A TOLL-FREE TELEPHONE NUMBER THAT A RESIDENT MAY**
25 **CALL TO NOTIFY THE PUBLISHER THAT THE RESIDENT NO LONGER WANTS TO**
26 **RECEIVE THE UNSOLICITED PRINT PUBLICATION.**

27 (D) (1) **A PUBLISHER MAY NOT DELIVER, OR CAUSE TO BE**
28 **DELIVERED, AN UNSOLICITED PRINT PUBLICATION TO A RESIDENTIAL ADDRESS**
29 **IN THE COUNTY AFTER 7 DAYS FROM THE DATE THE PUBLISHER RECEIVES**
30 **NOTICE FROM THE RESIDENT THAT THE RESIDENT DOES NOT WANT TO RECEIVE**
31 **THE UNSOLICITED PRINT PUBLICATION.**

32 (2) **IT IS NOT A VIOLATION OF THIS SUBSECTION FOR A**
33 **PUBLISHER TO DELIVER, OR CAUSE TO BE DELIVERED, AN UNSOLICITED PRINT**

1 PUBLICATION TO A RESIDENTIAL ADDRESS IN THE COUNTY IF MORE THAN 3
2 YEARS HAVE PASSED SINCE THE PUBLISHER LAST RECEIVED NOTICE THAT THE
3 RESIDENT DOES NOT WANT TO RECEIVE THE UNSOLICITED PRINT PUBLICATION.

4 (E) A RESIDENT WHO RECEIVES AN UNSOLICITED PRINT PUBLICATION
5 IN VIOLATION OF THIS SECTION MAY BRING AN ACTION AGAINST THE
6 PUBLISHER OF THE UNSOLICITED PRINT PUBLICATION:

7 (1) FOR PREVENTIVE RELIEF, INCLUDING:

8 (I) A PERMANENT OR TEMPORARY INJUNCTION; OR

9 (II) A RESTRAINING ORDER; AND

10 (2) TO RECOVER:

11 (I) REASONABLE ATTORNEY'S FEES; AND

12 (II) DAMAGES IN THE AMOUNT OF THE GREATER OF:

13 1. \$100 FOR EACH VIOLATION; OR

14 2. ACTUAL DAMAGES SUSTAINED AS A RESULT OF
15 THE VIOLATION.

16 (F) THIS SECTION DOES NOT PRECLUDE AN INDIVIDUAL FROM
17 BRINGING ANY OTHER ACTION OTHERWISE AUTHORIZED BY LAW.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2008.