

HOUSE BILL 357

I3

8lr0459

By: **Delegates Shewell, Ali, Beidle, Conaway, Elliott, Elmore, George, Glenn, Heller, Kaiser, Kelly, King, Krebs, Love, McKee, Myers, Riley, Shank, Stocksdale, Stull, Walkup, and Weir**

Introduced and read first time: January 25, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Unsolicited Print Publications – Prohibition on**
3 **Delivery**

4 FOR the purpose of prohibiting a publisher from delivering, or causing to be delivered,
5 certain unsolicited print publications to certain locations unless the publications
6 contain a certain notice; prohibiting a publisher from delivering, or causing to
7 be delivered, certain unsolicited print publications to certain locations after a
8 certain time period from the date the publisher receives a certain notice;
9 providing that a violation of this Act is an unfair or deceptive trade practice
10 within the meaning of the Maryland Consumer Protection Act; providing certain
11 enforcement and penalty provisions; defining certain terms; and generally
12 relating to the delivery of unsolicited print publications.

13 BY adding to

14 Article – Commercial Law

15 Section 14–1322

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 – Commercial Law**

21 **14–1322.**

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
23 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 STATE WITHOUT**
11 **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 STATE**
16 **WITHIN ANY 30-DAY PERIOD.**

17 (B) **A PUBLISHER MAY NOT DELIVER, OR CAUSE TO BE DELIVERED, AN**
18 **UNSOLICITED PRINT PUBLICATION TO A RESIDENTIAL ADDRESS IN THE STATE**
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 (C) (1) **A PUBLISHER MAY NOT DELIVER, OR CAUSE TO BE**
28 **DELIVERED, AN UNSOLICITED PRINT PUBLICATION TO A RESIDENTIAL ADDRESS**
29 **IN THE STATE 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 STATE 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 (D) (1) A VIOLATION OF ANY PROVISION OF THIS SECTION IS:

5 (I) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN
6 THE MEANING OF TITLE 13 OF THIS ARTICLE; AND

7 (II) SUBJECT TO THE ENFORCEMENT PROVISIONS
8 CONTAINED IN TITLE 13 OF THIS ARTICLE.

9 (2) A PUBLISHER WHO VIOLATES THIS SECTION IS SUBJECT TO A
10 CIVIL FINE NOT EXCEEDING \$100 FOR EACH VIOLATION.

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