

HOUSE BILL 1092

I3, D3

8lr1923

By: **Delegates Smigiel, Anderson, Aumann, Boteler, Carter, Conaway, Costa, Dwyer, Eckardt, Elmore, Frank, George, Kaiser, Kelly, Ramirez, and Sossi**

Introduced and read first time: February 7, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Telephone Calls from Debt Collectors and**
3 **Telemarketers – Exception to Wiretapping Prohibition**

4 FOR the purpose of establishing an exception to certain provisions of law prohibiting a
5 person from willfully intercepting certain wire, oral, or electronic
6 communications under certain circumstances; providing that it is lawful under
7 certain provisions of law for a person to intercept a wire or electronic
8 communication in order to secure evidence of a violation of the Maryland
9 Consumer Debt Collection Act or the Maryland Telephone Consumer Protection
10 Act under certain circumstances; and generally relating to interceptions of
11 communications to secure evidence of a violation of certain consumer protection
12 laws.

13 BY repealing and reenacting, without amendments,
14 Article – Courts and Judicial Proceedings
15 Section 10–402(a)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY adding to
19 Article – Courts and Judicial Proceedings
20 Section 10–402(c)(11)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

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

25 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-402.

2 (a) Except as otherwise specifically provided in this subtitle it is unlawful for
3 any person to:

4 (1) Willfully intercept, endeavor to intercept, or procure any other
5 person to intercept or endeavor to intercept, any wire, oral, or electronic
6 communication;

7 (2) Willfully disclose, or endeavor to disclose, to any other person the
8 contents of any wire, oral, or electronic communication, knowing or having reason to
9 know that the information was obtained through the interception of a wire, oral, or
10 electronic communication in violation of this subtitle; or

11 (3) Willfully use, or endeavor to use, the contents of any wire, oral, or
12 electronic communication, knowing or having reason to know that the information was
13 obtained through the interception of a wire, oral, or electronic communication in
14 violation of this subtitle.

15 (c) **(11) IT IS LAWFUL UNDER THIS SUBTITLE FOR A PERSON TO**
16 **INTERCEPT A WIRE OR ELECTRONIC COMMUNICATION IN ORDER TO SECURE**
17 **EVIDENCE OF A VIOLATION OF THE MARYLAND CONSUMER DEBT COLLECTION**
18 **ACT (§§ 14-201 THROUGH 14-204 OF THE COMMERCIAL LAW ARTICLE) OR THE**
19 **MARYLAND TELEPHONE CONSUMER PROTECTION ACT (§§ 14-3201 AND**
20 **14-3202 OF THE COMMERCIAL LAW ARTICLE) IF:**

21 (I) **THE PERSON IS A PARTY TO THE COMMUNICATION; AND**

22 (II) **THE COMMUNICATION IS MADE TO THE PERSON BY**
23 **ANOTHER PERSON FOR THE PURPOSE OF DEBT COLLECTION OR**
24 **TELEMARKETING.**

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