

SENATE BILL 10

I3

9lr0415

(PRE-FILED)

By: **Senator Klausmeier**

Requested: July 11, 2008

Introduced and read first time: January 14, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Telephone Directory Listings – Publication of Local**
3 **Numbers by Nonlocal Businesses**

4 FOR the purpose of prohibiting certain nonlocal businesses from publishing an
5 advertisement containing a local telephone number in certain directories except
6 under certain circumstances; prohibiting certain nonlocal businesses from
7 listing or causing to be listed a local telephone number in certain directories
8 except under certain circumstances; providing that a telephone company or
9 directory provider is not liable for this Act by a nonlocal business; providing
10 that a violation of this Act is an unfair or deceptive trade practice under the
11 Maryland Consumer Protection Act and is subject to certain enforcement and
12 penalty provisions; defining certain terms; and generally relating to the
13 publication of local numbers in telephone directories by nonlocal businesses.

14 BY repealing and reenacting, with amendments,
15 Article – Commercial Law
16 Section 13–301(14)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2008 Supplement)

19 BY adding to
20 Article – Commercial Law
21 Section 14–1322
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2008 Supplement)

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

26 **Article – Commercial Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 13–301.

2 Unfair or deceptive trade practices include any:

3 (14) Violation of a provision of:

4 (i) This title;

5 (ii) An order of the Attorney General or agreement of a party
6 relating to unit pricing under Title 14, Subtitle 1 of this article;

7 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer
8 Debt Collection Act;

9 (iv) Title 14, Subtitle 3 of this article, the Maryland
10 Door-to-Door Sales Act;

11 (v) Title 14, Subtitle 9 of this article, Kosher Products;

12 (vi) Title 14, Subtitle 10 of this article, Automotive Repair
13 Facilities;

14 (vii) Section 14–1302 of this article;

15 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales
16 Act;

17 (ix) Section 22–415 of the Transportation Article;

18 (x) Title 14, Subtitle 20 of this article;

19 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
20 Enforcement Act;

21 (xii) Title 14, Subtitle 21 of this article;

22 (xiii) Section 18–107 of the Transportation Article;

23 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
24 Solicitations Act;

25 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash
26 Parts Act;

27 (xvi) Title 10, Subtitle 6 of the Real Property Article;

(xvii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

(xviii) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door Solicitations Act;

(xix) Title 14, Subtitle 31 of this article, the Maryland Household Goods Movers Act;

(xx) Title 14, Subtitle 32 of this article, the Maryland Telephone Consumer Protection Act;

(xxi) Title 14, Subtitle 34 of this article, the Social Security Number Privacy Act;

(xxii) Section 14–1319 or § 14–1320 of this article;

(xxiii) Section 7–304 of the Criminal Law Article;

(xxiv) Title 7, Subtitle 3 of the Real Property Article, the Protection of Homeowners in Foreclosure Act;

(xxv) Title 6, Subtitle 13 of the Environment Article; [or]

(xxvi) Section 7–405(e)(2)(ii) of the Health Occupations Article; or

**(XXVII) SECTION 14–1322 OF THIS ARTICLE; OR
14–1322.**

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

**(2) (I) “LOCAL AREA” MEANS THE AREA IN AND FOR WHICH A
TELEPHONE DIRECTORY IS DISTRIBUTED FREE OF CHARGE.**

**(II) A LOCAL AREA MAY CONSIST OF ONE OR MORE TOWNS,
CITIES, COUNTIES, COMMUNITIES, OR OTHER GEOGRAPHICAL AREAS IN THE
STATE.**

**(3) (I) “LOCAL TELEPHONE CLASSIFIED ADVERTISING
DIRECTORY” MEANS A TELEPHONE DIRECTORY THAT:**

1. CONTAINS CLASSIFIED ADVERTISEMENTS; AND

1 **2. IS DISTRIBUTED FREE OF CHARGE TO RESIDENTS**
2 **IN THE STATE.**

3 **(II) “LOCAL TELEPHONE CLASSIFIED ADVERTISING**
4 **DIRECTORY” INCLUDES A DIRECTORY DISTRIBUTED BY A PERSON OTHER THAN**
5 **A TELEPHONE COMPANY.**

6 **(4) (I) “LOCAL TELEPHONE DIRECTORY” MEANS A TELEPHONE**
7 **DIRECTORY THAT IS:**

8 **1. AVAILABLE FREE OF CHARGE TO TELEPHONE**
9 **SUBSCRIBERS IN AN AREA OF THE STATE; AND**

10 **2. DOES NOT CONTAIN CLASSIFIED**
11 **ADVERTISEMENTS.**

12 **(II) “LOCAL TELEPHONE DIRECTORY” INCLUDES A**
13 **DIRECTORY DISTRIBUTED BY A PERSON OTHER THAN A TELEPHONE COMPANY.**

14 **(5) “LOCAL TELEPHONE NUMBER” MEANS A TELEPHONE**
15 **NUMBER THAT:**

16 **(I) HAS AN AREA CODE AND A THREE-NUMBER EXCHANGE**
17 **PREFIX TYPICALLY USED BY A LOCAL TELEPHONE COMPANY FOR TELEPHONE**
18 **LINES PROVIDED WITHIN THE LOCAL AREA; AND**

19 **(II) THAT IS NOT REASONABLY IDENTIFIABLE AS THE**
20 **NUMBER OF A BUSINESS THAT IS OR MAY BE LOCATED OUTSIDE THE LOCAL**
21 **AREA.**

22 **(6) “NONLOCAL BUSINESS” MEANS A BUSINESS THAT DOES NOT**
23 **HAVE A PHYSICAL PLACE OF BUSINESS IN THE LOCAL AREA THAT PROVIDES THE**
24 **GOODS OR SERVICES THAT ARE THE SUBJECT OF THE ADVERTISEMENT OR**
25 **LISTING.**

26 **(7) “TELEPHONE COMPANY” HAS THE MEANING STATED IN TITLE**
27 **1 OF THE PUBLIC UTILITIES ARTICLE.**

28 **(B) A NONLOCAL BUSINESS MAY NOT PUBLISH AN ADVERTISEMENT**
29 **CONTAINING A LOCAL TELEPHONE NUMBER FOR THE BUSINESS IN A LOCAL**
30 **TELEPHONE CLASSIFIED ADVERTISING DIRECTORY UNLESS THE**
31 **ADVERTISEMENT CLEARLY STATES THE NONLOCAL LOCATION OF THE**
32 **BUSINESS.**

1 (C) A NONLOCAL BUSINESS MAY NOT LIST OR CAUSE TO BE LISTED A
2 LOCAL TELEPHONE NUMBER FOR THE BUSINESS IN A LOCAL TELEPHONE
3 DIRECTORY IF:

4 (1) CALLS TO THE LOCAL TELEPHONE NUMBER ARE ROUTINELY
5 FORWARDED OR TRANSFERRED TO THE NONLOCAL BUSINESS LOCATION THAT
6 IS OUTSIDE THE LOCAL AREA COVERED BY THE LOCAL TELEPHONE DIRECTORY;
7 AND

8 (2) THE TELEPHONE LISTING DOES NOT CLEARLY STATE THE
9 LOCATION OF THE NONLOCAL BUSINESS.

10 (D) A TELEPHONE COMPANY OR DIRECTORY PROVIDER IS NOT LIABLE
11 FOR A VIOLATION OF THIS SECTION BY A NONLOCAL BUSINESS.

12 (E) A VIOLATION OF THIS SECTION IS:

13 (1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER TITLE 13
14 OF THIS ARTICLE; AND

15 (2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS
16 CONTAINED IN TITLE 13 OF THIS ARTICLE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2009.