

# HOUSE BILL 504

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By: **Delegate Impallaria**

Introduced and read first time: February 11, 2015

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Telephone Communications Consumer Protection Act**

3 FOR the purpose of prohibiting a person from recording a certain telephone conversation  
4 with a consumer under certain circumstances; prohibiting a person from  
5 discontinuing a telephone conversation with a consumer on a certain basis; making  
6 a violation of this Act an unfair or deceptive trade practice under the Maryland  
7 Consumer Protection Act and subject to certain enforcement and penalty provisions;  
8 defining certain terms; and generally relating to telephone recordings of  
9 conversations with consumers.

10 BY adding to

11 Article – Commercial Law

12 Section 14–4101 through 14–4103 to be under the new subtitle “Subtitle 41.

13 Telephone Communications Consumer Protection Act”

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2014 Supplement)

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

18 **Article – Commercial Law**

19 **SUBTITLE 41. TELEPHONE COMMUNICATIONS CONSUMER PROTECTION ACT.**

20 **14–4101.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
22 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) “CONSUMER” MEANS AN ACTUAL OR A PROSPECTIVE PURCHASER,**  
2 **LESSEE, OR RECIPIENT OF CONSUMER GOODS, CONSUMER SERVICES, OR CONSUMER**  
3 **CREDIT.**

4           **(C) “CONSUMER CREDIT”, “CONSUMER GOODS”, AND “CONSUMER**  
5 **SERVICES” MEAN, RESPECTIVELY, CREDIT, DEBTS, OR OBLIGATIONS, GOODS, AND**  
6 **SERVICES THAT ARE PRIMARILY FOR PERSONAL, HOUSEHOLD, FAMILY, OR**  
7 **AGRICULTURAL PURPOSES, RESPECTIVELY.**

8 **14-4102.**

9           **(A) A PERSON MAY NOT RECORD FOR THE PURPOSE OF QUALITY**  
10 **ASSURANCE A TELEPHONE CONVERSATION WITH A CONSUMER RELATING TO AN**  
11 **ACTUAL OR PROSPECTIVE PURCHASE, LEASE, OR RECEIPT OF CONSUMER GOODS,**  
12 **CONSUMER SERVICES, OR CONSUMER CREDIT UNLESS THE PERSON:**

13                   **(1) NOTIFIES THE CONSUMER THAT THE TELEPHONE CONVERSATION**  
14 **MAY BE RECORDED;**

15                   **(2) PROVIDES THE CONSUMER WITH THE OPTION TO CONSENT OR**  
16 **REFUSE TO CONSENT TO THE RECORDING OF THE TELEPHONE CONVERSATION; AND**

17                   **(3) OBTAINS CONSENT FROM THE CONSUMER TO RECORD THE**  
18 **TELEPHONE CONVERSATION.**

19           **(B) A PERSON MAY NOT DISCONTINUE A TELEPHONE CONVERSATION WITH**  
20 **A CONSUMER ON THE BASIS THAT THE CONSUMER HAS NOT CONSENTED TO THE**  
21 **RECORDING OF THE TELEPHONE CONVERSATION FOR THE PURPOSE OF QUALITY**  
22 **ASSURANCE.**

23 **14-4103.**

24           **A VIOLATION OF THIS SUBTITLE IS:**

25                   **(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE**  
26 **MEANING OF TITLE 13 OF THIS ARTICLE; AND**

27                   **(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS**  
28 **CONTAINED IN TITLE 13 OF THIS ARTICLE.**

29           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
30 **October 1, 2015.**