

HB0037/363820/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 37
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 22, strike “14–4504” and substitute “14–4503”.

AMENDMENT NO. 2

On page 3, in line 4, after “RECORDED” insert “OR ARTIFICIAL VOICE”.

On page 4, in line 2, after “(A)” insert “**(1) THIS SUBSECTION DOES NOT APPLY TO:**

(I) A TELEPHONE SOLICITATION THAT IS AN ISOLATED TRANSACTION AND NOT PERFORMED IN THE COURSE OF A PATTERN OF REPEATED TRANSACTIONS OF A SIMILAR NATURE;

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A NONCOMMERCIAL TELEPHONE SOLICITATION FOR RELIGIOUS, CHARITABLE, POLITICAL, OR EDUCATIONAL PURPOSES;

(III) A BUSINESS-TO-BUSINESS SALE WHERE THE TELEPHONE SOLICITOR HAS BEEN LAWFULLY OPERATING CONTINUOUSLY FOR AT LEAST 3 YEARS UNDER THE SAME BUSINESS NAME;

(IV) A PERSON WHO SOLICITS CONTRACTS FOR THE MAINTENANCE OR REPAIR OF GOODS PREVIOUSLY PURCHASED FROM THE PERSON MAKING THE SOLICITATION OR ON WHOSE BEHALF THE SOLICITATION IS MADE;

(V) A SINGLE TELEPHONE SOLICITATION MADE TO A CUSTOMER OR CLIENT IN RESPONSE TO AN INQUIRY OR REQUEST FROM THE CUSTOMER OR CLIENT; OR

(VI) A COMMUNICATION BETWEEN A BUSINESS AND A CUSTOMER THAT HAVE AN EXISTING BUSINESS CONTRACT OR RELATIONSHIP WITH EACH OTHER IF:

1. THE COMMUNICATION IS INITIALLY INTENDED FOR INFORMATIONAL PURPOSES ONLY; AND

2. BASED ON FURTHER INQUIRY FROM THE CUSTOMER, THE COMMUNICATION BECOMES A TELEPHONE SOLICITATION.

(2) A PERSON SOLICITING FOR NONCOMMERCIAL PURPOSES UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IS EXEMPT ONLY IF:

(I) THE PERSON IS SOLICITING FOR A NONPROFIT ENTITY;
AND

(II) THE ENTITY IS:

1. REGISTERED WITH THE SECRETARY OF STATE IN ACCORDANCE WITH TITLE 6 OF THE BUSINESS REGULATION ARTICLE; AND

2. EXEMPT FROM TAXATION UNDER § 501(C)(3), (4), OR (6) OF THE INTERNAL REVENUE CODE.

(3)";

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in lines 5 and 7, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; in line 10, strike “FAIL” and substitute “:

(I) FAIL;

in lines 11 and 12, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in line 14, after “PARTY” insert “:

(II) INTENTIONALLY ACT TO PREVENT THE TRANSMISSION OF THE TELEPHONE SOLICITOR’S NAME OR TELEPHONE NUMBER TO THE CALLED PARTY WHEN THE EQUIPMENT OR SERVICE USED BY THE TELEPHONE SOLICITOR IS CAPABLE OF CREATING AND TRANSMITTING THE TELEPHONE SOLICITOR’S NAME AND TELEPHONE NUMBER; OR

(III) IN ORDER TO CONCEAL THE TRUE IDENTITY OF THE CALLER, USE TECHNOLOGY THAT DELIBERATELY DISPLAYS A DIFFERENT CALLER IDENTIFICATION NUMBER THAN THE NUMBER THE CALL IS ORIGINATING FROM;

in line 22, strike “BY” and substitute “, INCLUDING A CALL MADE THROUGH AUTOMATED DIALING OR A RECORDED MESSAGE:

(1) TO A CALLED PARTY DURING THE HOURS BETWEEN 8 P.M. AND 8 A.M. IN THE CALLED PARTY’S TIME ZONE;

(2) MORE THAN THREE TIMES TO THE SAME CALLED PARTY DURING A 24-HOUR PERIOD ON THE SAME SUBJECT MATTER OR ISSUE, REGARDLESS OF THE TELEPHONE NUMBERS USED TO MAKE THE CALL; OR

(3) BY;

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and in lines 24 and 26, strike “**(1)**” and “**(2)**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively.

On pages 5 and 6, strike in their entirety the lines beginning with line 1 on page 5 through line 18 on page 6, inclusive.

On page 6, in line 26, after “**PERSON**” insert “**WHO IS REASONABLY PRESUMED TO RESIDE OR HAVE A PLACE OF BUSINESS**”.

On page 7, in line 14, strike “October 1, 2023” and substitute “**January 1, 2024**”.