

Article - Commercial Law

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§14–4501.

(a) In this subtitle the following words have the meanings indicated.

(b) “Called party” means a person who is a regular user of a telephone number that receives a telephone solicitation.

(c) “Caller identification service” means a service that allows a telephone subscriber to have the telephone number and, where available, the name of the calling party transmitted simultaneously with the telephone call and displayed on a device connected to the subscriber’s telephone.

(d) “Prior express written consent” means a written agreement that:

(1) Bears the signature of the called party;

(2) Clearly authorizes the person making or allowing the placement of a telephone solicitation by telephone call, text message, or voicemail to deliver or cause to be delivered to the called party:

(i) A telephone solicitation using an automated system for the selection or dialing of telephone numbers;

(ii) The playing of a recorded or artificial voice message when a connection is completed to a number called; or

(iii) The transmission of a prerecorded voicemail; and

(3) Includes:

(i) The telephone number to which the signatory authorizes a telephone solicitation to be delivered; and

(ii) A clear and conspicuous disclosure informing the called party that:

1. By executing the agreement, the called party authorizes the person making or allowing the placement of a telephone solicitation to deliver or cause to be delivered a telephone solicitation to the called party using:

A. An automated system for the selection or dialing of telephone numbers; or

B. The playing of a recorded message when a connection is completed to a number called; and

2. The called party is not required to directly or indirectly:

A. Sign the written agreement; or

B. Agree to enter into the agreement as a condition of purchasing any property, goods, or services.

(e) “Signature” includes an electronic or digital signature to the extent that the form of signature is recognized as a valid signature under applicable federal law or State contract law.

(f) “Telephone solicitation” has the meaning stated in § 8–205 of the Public Utilities Article.

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