

Article - Commercial Law

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§14–4502.

(a) (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;

(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; or

(vii) A noncommercial telephone solicitation for the purpose of public opinion research.

(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) Without the prior express written consent of the called party, a person may not make or cause to be made a telephone solicitation that involves:

(i) An automated system for the selection or dialing of telephone numbers; or

(ii) The playing of a recorded message when a connection is completed to the number called.

(b) (1) A person who makes or causes to be made a telephone solicitation may not:

(i) Fail to transmit or cause not to be transmitted:

1. The originating telephone number; and

2. When made available by the caller's carrier, the name of the caller to any caller identification service in use by a called party;

(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.

(2) It is not a violation of this subsection to substitute for the name and telephone number used in or billed for making the call:

(i) The name of the seller or other entity for whom the telephone solicitation is placed; and

(ii) The customer service telephone number of the seller or other entity.

(c) A person may not make or cause to be made a telephone solicitation, 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 intentionally altering the voice of the caller in an attempt to disguise or conceal the identity of the caller in order to:

(i) Defraud, confuse, or financially or otherwise injure the called party; or

(ii) Obtain personal information from the called party that may be used in a fraudulent or unlawful manner.

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