

Article - Commercial Law

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§14–4503.

(a) (1) Subject to paragraph (2) of this subsection, a violation of this subtitle is:

(i) An unfair, abusive, or deceptive trade practice within the meaning of Title 13 of this article; and

(ii) Subject to the enforcement and penalty provisions contained in Title 13 of this article.

(2) (i) A called party who is aggrieved by a person who violates this subtitle may bring an action in accordance with § 13–408 of this article to enjoin further violations and to recover damages up to \$500 or actual damages, whichever is greater.

(ii) If the court finds the defendant willfully or knowingly violated this subtitle, the court may award damages up to three times the amount of damages under subparagraph (i) of this paragraph.

(b) There is a rebuttable presumption that a telephone solicitation made to any area code in the State is made to a resident or a person who is reasonably presumed to reside or have a place of business in the State at the time the call is made.

(c) This subtitle does not preclude the applicability of §§ 8–204 and 8–205 and Title 13 of the Public Utilities Article to a telephone solicitation subject to this subtitle.

(d) Except as provided in § 14–4502(a)(3) of this subtitle, the requirements and remedies provided under this subtitle may not be waived by an agreement, unless the agreement is part of a settlement of a legal dispute or action.

(e) Nothing in this subtitle prohibits an agreement from establishing more extensive requirements or remedies than the requirements and remedies contained in this subtitle.

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