

# **Economic Action Maryland SB 90 (1).pdf**

Uploaded by: Marceline White

Position: FAV



Testimony to the Senate Finance Committee  
SB 90 Commercial Law-Consumer Protection-Telephone Solicitation  
Position: Favorable

February 1, 2023

The Honorable Melony Griffith, Chair  
Senate Finance Committee  
Third Floor, Miller Senate Office Building  
Annapolis, Maryland 21401  
cc: Members, Senate Finance

Honorable Chair Griffith and Members of the Committee:

Economic Action Maryland (formerly the Maryland Consumer Rights Coalition) is a people-centered movement to expand economic rights, housing justice, and community reinvestment for working families, low-income communities, and communities of color. Economic Action Maryland provides direct assistance today while passing legislation and regulations to create systemic change in the future.

We are writing today in support of SB 90.

Spam calls and calls that conceal the identity of the caller are on the rise. A report found that [123.8 million](#) spam calls were made to Maryland residents in one month, January 2019, an average of almost 15 calls per person for every resident of the state.

In 2021, Marylanders received more than a billion robocalls (see Robocalls in Maryland graph), about [424 million](#) (42%) of which were scam robocalls—or about 7 scam robocalls for each Marylander per month. The majority of these calls were scam calls designed to bilk Maryland residents of their hard-earned money.

Although there are some federal regulations related to spam calls and robocalls, they have been largely ineffective. The federal regulations provide a floor and SB 90 creates stronger state guardrails for Maryland residents by requiring affirmative consent to receive these calls. Telephone solicitors who violate SB 90 are in violation of the Maryland Consumer Protection Act and subject to its penalties and enforcement.

While SB 90 expands consumer protection and allows Maryland residents to limit these spam calls, it exempts legitimate businesses and nonprofits from the legislation.

2209 Maryland Ave · Baltimore, MD · 21218 · 410-220-0494

[info@econaction.org](mailto:info@econaction.org) · [www.econaction.org](http://www.econaction.org) · Tax

ID 52-2266235

In our work with older adults and other consumers, we hear story after story of how an individual lost money after falling prey to a telemarketing scam. It is critical that we rein in these robocalls and spam calls and create stronger protections for our residents.

For all these reasons, we support SB 90 and urge a favorable report.

Best,

Marceline White  
Executive Director

2209 Maryland Ave · Baltimore, MD · 21218 · 410-220-0494

[info@econaction.org](mailto:info@econaction.org) · [www.econaction.org](http://www.econaction.org) · Tax

ID 52-2266235

Economic Action Maryland is a 501(c)(3) nonprofit organization and your contributions are tax deductible to the extent allowed by law.

**BigIMDsb90FWA.pdf**

Uploaded by: Brett Lininger

Position: FWA

# INDEPENDENT INSURANCE AGENTS OF MARYLAND, INC.

DBA BIG I MARYLAND



**Senate Finance Committee  
Senate Bill 90  
Position: Favorable with Amendment**

Dear Madame Chair Griffith and the Members of the Senate Finance Committee,

The BIG I MARYLAND (“Big I”) is the State’s oldest trade association of independent insurance agents. It represents 200 independent agencies, which employ over 2000 people in the state. We represent independent insurance agents and brokers who present consumers with a choice of policy options from a variety of different insurance companies. These small, medium, and large businesses offer a variety of insurance products – including property, casualty, life, health, employee benefit plans, and retirement products.

The Big I supports SB90 with an amendment to address a business practice used by some member insurance agencies. As technology has evolved, so does the way in which an independent insurance producer communicates with its current clients. For personal lines insurance (i.e. homeowners and private passenger automobile insurance), some insurance agencies use software to send via text or telephone a reminder that a customer’s policy is coming up for renewal and to contact her/his insurance producer to discuss any changes needed for the upcoming year.

With this in mind, we would ask that the prior written consent be obtained within the same documents a customer signs at the beginning of the relationship.

2408 Peppermill Dr., Ste A  
Glen Burnie, MD. 21061  
[www.BigIMD.com](http://www.BigIMD.com)

(P) 410-766-0600  
(F) 410-766-0993  
(E) [info@BigIMD.com](mailto:info@BigIMD.com)

# **SB90.pdf**

Uploaded by: Davion Percy

Position: UNF



Senator Melony Griffith, Chair  
Senate Finance Committee  
11 Bladen Street, Miller Senate Office Building, 3E  
Annapolis, Maryland 21401

**Re: *Senate Bill 90/HB37: Commercial Law – Consumer Protection – Telephone Solicitation (Stop the Spam Calls Act of 2023) - OPPOSE***

**January 30, 2023**

Dear Chairwoman Griffith and Members of the Senate Finance Committee:

On behalf of our client, the Maryland Retail Energy Supplier Association (MDRESA), I write this letter of opposition to Senate Bill 90/House Bill 37, entitled: *Commercial Law – Consumer Protection – Telephone Solicitation (Stop the Spam Calls Act of 2023)*.

The Retail Energy Supply Association (RESA) is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail electricity and natural gas markets deliver a more efficient, customer-oriented outcome than a regulated utility structure. RESA is devoted to working with all stakeholders to promote vibrant and sustainable competitive retail energy markets for residential and industrial consumers.

Pursuant to Maryland Public Utility Companies Section 8-205 Article - Public Utility Companies:

*(a) (1) In this section, "telephone solicitation" means an organized activity, program, or campaign to communicate by telephone with residents of Maryland in order to:*

- (i) sell, lease, or rent goods or services;*
- (ii) attempt to sell, lease, or rent goods or services;*
- (iii) offer or attempt to offer a gift or prize;*
- (iv) conduct or attempt to conduct a poll; or*
- (v) request or attempt to request survey information, if the results of the survey will be used directly to solicit persons to purchase, lease, or rent goods or services.*

As written, SB90/HB37, would prohibit a person from making certain telephone solicitations to a certain called party in a certain manner by restricting the methods, times, and identifying information that the person making the call may utilize. Specifically, before a person has the ability to perform the telephone solicitation to a resident, they must, first, receive expressed written consent.

For businesses seeking new customers by telephone, they would now be confronted with an unreasonable and unnecessary barrier that would ultimately require an additional form of solicitation from the resident. While SB90 makes a laudable attempt to prevent prospective residents from this form of sales practice, the result still remains the same. Instead of receiving a telephone

solicitation, the resident would be subjected to the possibility of two (2) solicitations – the request for consent, followed by the phone solicitation. Consequently, a solicitation will occur the moment the resident is asked to provide their expressed written consent thereby negating the entire intent of this legislation.

It is for these reasons, that we respectfully request this committee to vote for an UNFAVORABLE report of Senate Bill 90/ House Bill 37.

Sincerely,

Davion Percy, Partner  
Percy Public Affairs, LLC



# **CTIA Testimony on Maryland SB 90 - Robocalls - 1-3**

Uploaded by: Jake Lestock

Position: UNF



**Testimony of  
JAKE LESTOCK  
CTIA**

**In Opposition to Senate Bill 90**

**Before the Maryland Senate Finance Committee**

**February 1, 2023**

Chair, and members of the committee, on behalf of CTIA®, the trade association for the wireless communications industry, I submit this testimony in opposition to Senate Bill 90. This bill would create new requirements to try to stifle illegal and unwanted robocalls by putting in place new restrictions on companies utilizing automated call technology and making violations of this legislation subject to the enforcement and penalties under the Maryland Consumer Protection Act. CTIA members are committed to protecting consumers from illegal and unwanted robocalls. The wireless industry works tirelessly to minimize the negative impact of robocalls and unsolicited texts, while also supporting legal automated calls and texts. While we wholeheartedly agree with the state's interest in protecting consumers from spam calls and messages, there are a few issues with this legislation as currently written that could have unintended consequences on Maryland businesses. We look forward to working with the bill sponsor and the committee to ensure that this legislation properly protects Maryland consumers from bad actors, without creating uncertainty and harm to legitimate, law-abiding businesses.



Stakeholders across the wireless ecosystem are working to help consumers combat these problematic illegal, intrusive, and annoying robocalls. A multi-pronged effort is needed to combat illegal robocalls. Wireless carriers monitor traffic across their networks to identify patterns like high-call volumes and short call durations that may be signs of bad actors. Moreover, voice service providers are in communication with each other to help identify illegal callers for referral to the appropriate federal and state enforcement authorities.

In addition to the numerous sophisticated analyses wireless providers use every day to block unwanted calls and investigate bad actors, the industry has developed new initiatives and technologies to further address the issue. Wireless providers, including AT&T, Verizon and T-Mobile, have helped develop and deploy caller ID authentication technology that works to combat illegal spoofing. STIR/SHAKEN, or Secure Telephone Identity Revisited and Signature-based Handling of Asserted Information Using toKENs, is a framework of interconnected standards where wireless providers digitally validate a variety of calls, allowing a provider to verify the caller and the caller's right to use the phone number. The idea behind STIR/SHAKEN is to allow consumers to once again trust their Caller ID by having voice service providers sign their subscribers' telephone numbers with a digital signature to ensure the calling number of a telephone call has not been tampered with. In other words, it helps confirm the call is from the person the caller ID says it is from.

CTIA and the wireless industry also work closely with enforcers at the Federal Communications Commission (FCC), the Federal Trade Commission (FTC), the Department of



Justice, and at the state level to stop illegal robocalls. To aid enforcement efforts, wireless companies participate in the Industry “Traceback” Group that works with the FCC and the FTC to identify the source of illegal calls.<sup>1</sup> Additionally, national wireless carriers, along with other voice service providers, currently have a partnership with 51 attorneys general that adopted eight principles to fight illegal robocalls.<sup>2</sup> This partnership is a reaffirmation of the commitment made by providers, such as AT&T, T-Mobile, and Verizon, to aggressively fight illegal and unwanted robocalls. Specifically, those carriers agreed to incorporate, or continue to incorporate, the following anti-robocall principles into their business practices:

- Offer Free Call Blocking and Labeling
- Implement STIR/SHAKEN
- Analyze and Monitor Network Traffic
- Investigate Suspicious Calls and Calling Patterns
- Confirm the Identity of Commercial Customers
- Require Traceback Cooperation in Contracts
- Cooperate in Traceback Investigations
- Communicate and cooperate with state attorneys general about recognized scams and trends in illegal robocalling

Furthermore, the wireless industry continues to educate consumers on ways to curb unwanted robocalls with blocking features and tools that can identify likely “spam” or fraudulent calls. For example, CTIA and its member companies encourage consumers to use blocking features built into devices, install robocall blocking and labeling apps, and report unwanted calls to the FTC and the FCC through their online portals. CTIA has also launched a

---

<sup>1</sup> See <https://tracebacks.org/>.

<sup>2</sup> See <https://www.maine.gov/ag/news/article.shtml?id=1452907> (last accessed Jan. 6, 2023).



dedicated consumer resource at [FightingRobocalls.CTIA.org](https://fightingrobocalls.ctia.org) to provide consumers with the information and tools needed to help combat illegal robocalls.

CTIA is also concerned that the language in SB 90 is overbroad and could result in unintended consequences for law-abiding businesses in Maryland. Specifically, the current definitions regarding automated systems is too broad and vague. Currently, the definitions could arguably cover any software platform that generates a call list from a database based on certain selection criteria, regardless of whether the software platform actually dials the numbers. This would create uncertainty for any business – including small businesses – trying to communicate with its own customers. Accordingly, SB 90 may dissuade companies from making calls and texts to their existing customers in compliance with existing laws. For example, a doctor’s office hesitating to send a refill reminder for a prescription refill to avoid potential legal action.

The wireless industry recognizes the need to fight unwanted and illegal robocalls and combat illegal caller ID spoofing. That is why our industry has taken proactive steps to provide and/or offer solutions to combat these troubling practices, and why we work together with interested stakeholders, including state attorneys general, the FCC, and the FTC, to protect consumers. Our industry looks forward to continued collaboration with Maryland and this committee to make sure legislation adequately targets bad actors and limits unwanted robocalls while also avoiding any unintended consequences. Thank you for your time and we look forward to working with you further on SB 90.

**FIN\_SB090\_Opposed\_Vistra .docx.pdf**

Uploaded by: Katie Nash

Position: UNF

**Senate Finance Committee**

February 1, 2023

Vistra respectfully submits this testimony in **opposition to SB 90 –Commercial Law – Consumer Protection – Telephone Solicitation (Stop the Spam Calls Act of 2023)**.

Vistra is a leading Fortune 500 integrated retail electricity and power generation company with operations in Maryland that focuses on delivering an innovative, customer-centric approach to retail electricity and over 7,500 MW of electric generation in the PJM market.<sup>1</sup>

Vistra opposes SB 90 and would like to respectfully request this Committee to provide an unfavorable report on this legislation. While Vistra supports the general intent of the legislation, which is to prevent “Spam” calls to Maryland consumers, we have concerns that this legislation, taken in concert with the existing Maryland Telephone Solicitations Act (MTSA) regulations, could unduly hinder companies from providing useful, non-Spam, information to our customers and hinder normal course of business operations.

While Vistra does not believe that our current operations would be within the scope of the current legislation, there are details within the filed language of the legislation that raise concerns, specifically:

In 14-4504 (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 in the state at the time the call is made.*” Vistra operations currently does not rely on area code to identify the location of the customer being contacted. Indeed, many customers retain their cell phone numbers when moving to a new state making area code an increasingly unreliable means for identifying a customer’s geographic location. Our preference would be for “area code” to be struck and the requirement generalized to “*There is a rebuttable presumption that a telephone solicitation made to a resident or a person who is reasonably presumed to reside or have a place of business within the state is in the state at the time the call is made.*”

---

<sup>1</sup> The company brings its products and services to market in 20 states and the District of Columbia, including six of the seven competitive wholesale markets in the U.S. Serving nearly 4.3 million residential, commercial, and industrial retail customers with electricity and natural gas, Vistra is one of the largest competitive electricity providers in the country and offers over 50 renewable energy plans. The company is also the largest competitive power generator in the U.S. with a capacity of approximately 37,000 megawatts powered by a diverse portfolio, including natural gas, nuclear, solar, and battery energy storage facilities. In addition, Vistra is a large purchaser of wind power. The company owns and operates the 750-MW/1,600-MWh battery energy storage system in Moss Landing, California, the largest of its kind in the world.

SENATE BILL 90  
SENATE FINANCE COMMITTEE

UNFAVORABLE  
VISTRA

Vistra also has concerns that the framing of an “Automated System for the Selection or Dialing of Telephone Numbers” (ATDS) within the bill may not comport with the Telephone Consumer Protection Act (TCPA). Our preference would be that any legislation passed on this topic incorporate TCPA framing for products and services to ease compliance by impacted parties.

Thank you for the opportunity to share our perspective on SB 90 and for the above reasons Vistra urges the Committee to give the bill an unfavorable report.



**WGL Energy SB 90 Opposition 1-31-2023.pdf**

Uploaded by: rick binetti

Position: UNF

January 31, 2023

To: Chair Griffith and Members of the Senate Finance Committee  
Subject: SB90 Commercial Law – Consumer Protection – Telephone Solicitation (Stop the Spam Calls Act of 2023)

Position: **Oppose**

Dear Chair Griffith and Members of the Committee,

WGL Energy opposes SB 90 – Stop the Spam Calls Act of 2023.

For more than 25 years, WGL Energy has been providing a full spectrum of competitive energy solutions including electricity, natural gas, renewable energy, and environmentally friendly energy technology solutions for residential, government, commercial, industrial, and small business customers throughout Maryland. We believe this bill would reduce the energy supply industry's overall ability to continue providing variety of market-based energy solutions to customers in Maryland.

Specifically, the bill requires companies to obtain written consent before contacting a potential customer but provides no other options for how any company would reach new customers via telecommunication.

The bill adds new provisions, Sec 14-4501 – Sec 15-4504, to the current telephone sales law in Maryland, and would require telephone sales callers to identify themselves and/or what company they represent and to provide a phone contact number to all called persons on their caller IDs. WGL Energy already does this. Our telesales efforts show a valid phone number on a potential customers caller ID that can be called back by the person receiving the call if needed.

The proposed statute would also treat robo-calling with recorded messages and auto dialing technology as the same. Per the federal Telephone Consumer Protection Act (TCPA), WGL Energy does not dial potential customers and leave recorded messages. However, using an auto dialer allowing companies to efficiently call customers with a real representative on the line, is allowed under the TPCA. This is WGL Energy's current practice when reaching potential customers via telephone.

For these reasons, we urge the Committee for an unfavorable report on SB 90.

# **SB 90 MDCC Commercial Law – Consumer Protection –**

Uploaded by: Andrew Griffin

Position: INFO



**LEGISLATIVE POSITION:**

**Letter of Information**

**Senate Bill 90**

**Commercial Law – Consumer Protection – Telephone Solicitation**

**Senate Finance Committee**

**Wednesday, February 1, 2023**

Dear Chairwoman Griffith and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 6,400 members and federated partners working to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

Senate Bill 90 seeks to prohibit an individual from making certain telephone solicitations by, among other restrictions, requiring the prior express written consent of the called party and limiting the hours and methods in which telephone solicitations can be made. Violations of this proposed Act would be classified as an unfair, abusive, or deceptive trade practice and be subject to enforcement and penalties under the Maryland Consumer Protection Act.

The Maryland Chamber of Commerce does not have a comment on the broader policy limiting certain telephone solicitations proposed in SB 90, however, we would like to highlight at least one concern and the suggested remedy shared by Maryland businesses.

SB 90, as introduced, does not contain an exemption for communications between businesses and their current customers. Without this exemption, businesses will be prevented from engaging in common communication practices such as call or text message programs alerting customers to routine information sharing such as bill payment status, changes in account balances, or updates in company policies. Limiting communications between businesses and existing customers could severely curtail product and policy transparency and lead to longer wait times in addressing routine customer account issues.

For reference, two neighboring jurisdictions, Virginia and Washington D.C., have each passed their own versions of this legislation to prohibit unwanted or “spam” telephone solicitation. It is important to note that both pieces of legislation contained exemptions for existing customer relationships. Following suit would create a regional approach to dealing with unwanted telephone solicitation.

**The Maryland Chamber of Commerce appreciates your consideration of our comments on Senate Bill 90.**