

HOUSE BILL 1163

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By: **Delegates Glenn, Carter, and Clippinger**

Introduced and read first time: February 23, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Maryland Telephone Consumer Protection Act**

3 FOR the purpose of requiring the Office of the Attorney General to include on the Web site
4 of the Office’s Division of Consumer Protection an explanation of a consumer’s rights
5 under a certain federal law and a link to a certain Web site; and generally relating
6 to consumer rights relating to telemarketing under federal and State telephone
7 consumer protection laws.

8 BY repealing and reenacting, without amendments,

9 Article – Commercial Law

10 Section 14–3201 and 14–3202

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2014 Supplement)

13 BY adding to

14 Article – Commercial Law

15 Section 14–3201.1

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2014 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Commercial Law**

21 14–3201.

22 A person may not violate:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) The Telemarketing and Consumer Fraud and Abuse Prevention Act, 15
2 U.S.C. §§ 6101 through 6108, as implemented by the Federal Trade Commission in the
3 Telemarketing Sales Rule (16 C.F.R. Part 310); or

4 (2) The Telephone Consumer Protection Act, 47 U.S.C. § 227, as
5 implemented by the Federal Communications Commission in the Restrictions on
6 Telemarketing and Telephone Solicitations Rule (47 C.F.R. Part 64, Subpart L).

7 **14-3201.1.**

8 **THE OFFICE OF THE ATTORNEY GENERAL SHALL INCLUDE ON THE**
9 **DIVISION'S WEB SITE:**

10 **(1) AN EXPLANATION OF A CONSUMER'S RIGHTS UNDER THE**
11 **FEDERAL TELEPHONE CONSUMER PROTECTION ACT; AND**

12 **(2) A LINK TO THE FEDERAL TRADE COMMISSION'S NATIONAL DO**
13 **NOT CALL REGISTRY WEB SITE ON WHICH A CONSUMER MAY REGISTER A**
14 **TELEPHONE NUMBER, VERIFY A REGISTRATION, AND SUBMIT A COMPLAINT.**

15 **14-3202.**

16 (a) A violation of this subtitle is an unfair or deceptive trade practice within the
17 meaning of Title 13 of this article and is subject to the enforcement and penalty provisions
18 contained in Title 13 of this article.

19 (b) In addition to the remedies provided in § 13-408 of this article, an individual
20 who is affected by a violation of this subtitle may bring an action against a person that
21 violates this subtitle to recover:

22 (1) Reasonable attorney's fees; and

23 (2) Damages in the amount of the greater of:

24 (i) \$500 for each violation; or

25 (ii) Actual damages sustained as a result of the violation.

26 (c) For purposes of this section, each prohibited telephone solicitation and each
27 prohibited practice during a telephone solicitation is a separate violation.

28 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
29 **October 1, 2015.**