

HOUSE BILL 106

I3, P1

1lr1458

(PRE-FILED)

By: **Delegate Wilson**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2021

CHAPTER _____

1 AN ACT concerning

2 ~~Office of the Attorney General – Website to Report Robocalls and Other Spam~~
3 ~~Calls~~

4 Consumer Protection – Robocalls and Spam Calls – Website to Report and
5 Annual Report

6 FOR the purpose of requiring the Office of the Attorney General to maintain a website
7 where a consumer may report robocalls and other spam calls; requiring the Office to
8 ~~notify consumers by print, radio, or television advertisements~~ establish and promote
9 an education campaign that informs consumers on how to identify robocalls and
10 other spam calls and how to report them to the Office; requiring the Office to notify
11 the Federal Trade Commission about certain reports it receives regarding robocalls
12 and spam calls; requiring the Office to submit a certain annual report on or before a
13 certain date; defining certain terms; and generally relating to reporting robocalls and
14 other spam calls to the Office of the Attorney General.

15 BY adding to
16 Article – Commercial Law
17 Section 14-3203
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2020 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Commercial Law

14-3203.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) ~~(I) “AUTOMATIC DIALER” MEANS EQUIPMENT OR SOFTWARE THAT MAKES A SERIES OF CALLS TO STORED TELEPHONE NUMBERS, INCLUDING NUMBERS STORED ON A LIST.~~

~~(II) “AUTOMATIC DIALER” DOES NOT INCLUDE EQUIPMENT THAT REQUIRES A HUMAN TO DIAL OR PLACE EACH INDIVIDUAL CALL ONE CALL AT A TIME, AND REQUIRES THE HUMAN TO THEN REMAIN ON EACH CALL~~ “AUTOMATIC TELEPHONE DIALING SYSTEM” HAS THE MEANING STATED IN 47 U.S.C § 227.

(3) “OFFICE” MEANS THE OFFICE OF THE ATTORNEY GENERAL.

(4) “ROBOCALL” MEANS A CALL MADE, OR TEXT MESSAGE SENT, TO ANY TELEPHONE NUMBER OWNED BY A PERSON IN THE STATE USING:

(I) ~~AN AUTOMATIC DIALER~~ AUTOMATIC TELEPHONE DIALING SYSTEM; OR

(II) AN ARTIFICIAL OR PRERECORDED VOICE.

(B) THE OFFICE OF ATTORNEY GENERAL SHALL:

(1) MAINTAIN A WEBSITE WHERE A CONSUMER IS ABLE TO REPORT ROBOCALLS AND OTHER SPAM CALLS; AND

~~(2) PROVIDE NOTICE TO THE PUBLIC THROUGH PRINT, RADIO, OR TELEVISION ADVERTISEMENTS INFORMING~~ ESTABLISH AND PROMOTE AN EDUCATION CAMPAIGN THAT INFORMS CONSUMERS ON HOW TO:

(I) IDENTIFY ROBOCALLS AND OTHER TYPES OF SPAM CALLS;
AND

(II) REPORT ROBOCALLS AND OTHER SPAM CALLS TO THE OFFICE.

(C) THE OFFICE SHALL NOTIFY THE FEDERAL TRADE COMMISSION OF EACH REPORT IT RECEIVES THROUGH THE WEBSITE REGARDING A ROBOCALL OR OTHER SPAM CALL.

1 (D) ON OR BEFORE NOVEMBER 1 EACH YEAR, THE OFFICE SHALL REPORT
2 TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE
3 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

4 (1) THE NUMBER OF REPORTS RECEIVED THROUGH THE WEBSITE
5 PER MONTH;

6 (2) THE TYPE OF EACH REPORTED CALL;

7 (3) THE DATE AND TIME OF EACH REPORTED CALL;

8 (4) THE DEMOGRAPHIC INFORMATION OF EACH CONSUMER WHO
9 MAKES A REPORT;

10 (5) THE GEOGRAPHIC INFORMATION OF EACH CONSUMER WHO
11 MAKES A REPORT; AND

12 (6) ANY OTHER INFORMATION THE OFFICE BELIEVES IS RELEVANT
13 TO CONSUMER PROTECTION AND ROBOCALLS AND OTHER SPAM CALLS.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.